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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ALI SALEEM BEY,
12 JOHN MUHAMMAD BEY

13
14 Plaintiffs,

15 vs.

16 CITY OF OAKLAND; DERWIN
17 LONGMIRE; ERSIE JOYNER; OLIVER
18 CUNNINGHAM; DANIELLE OUTLAW;
19 DAVID DOWNING; PAUL FIGUEROA;
20 SEAN WHENT, WILLIAM GRIFFITH,
21 PUAL FIGUEROA, and ROBERT
22 WARSHAW as DOES 1-9
23 Defendants

1626
Case No. 14-CV-14-06126 JSC

THIRD AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT-DEMAND
FOR JURY TRIAL 28 .S.C § 2201; 42 U.S.C.
§1983; §1985; §1986

Date: January 20, 2016

Honorable Judge Jacqueline Scott Corley

24 1. Parties in this Complaint

25 a. Plaintiff(s)

26 Name: Ali Saleem Bey

27 Address: 2417 Palmetto Street, Oakland, California 94602

28 Phone number: 510-697-2127

Name: John Muhammad Bey

1 Address: 2417 Palmetto Street, Oakland, California 94602

2 Phone Number: 510 697-2127

3 b. Defendant(s).

4 Defendant 1: City Of Oakland, 250 Frank Ogawa H. Plaza
5
6 Oakland, California 94612

7 Defendant 2: Derwin Longmire DOE 1

8 Defendant 3: Ersie Joyner DOE 2

9 Defendant 4: Oliver Cunningham DOE 3

10 Defendant 5: Danielle Outlaw DOE 4

11 Defendant 6: David Downing DOE 5

12 Defendant 7: Paul Figueroa DOE 6

13 Defendant 8: Sean Whent DOE 7

14 Defendant 9: William Griffith DOE 8

15 Defendant 10: Robert Warshaw, PPS LLC DOE 9

16
17 JURISDICTION

18
19 Jurisdiction of the United States District Court is 28 U.S.C §2201 § 42 U.S.C. §1983, 42 U.S.C.
20 § 1985, and 42 U.S.C. § 1986.

21 VENUE

22 venue is appropriate in this Court because all plaintiffs and all defendants reside in/ or were doing
23 business in Alameda County at the time of the violation[s].

24
25 INTRADISTRICT ASSIGNMENT

1 This lawsuit should be assigned to a Division of this Court in San Francisco, California, because all
2 violations of plaintiffs' constitutional rights occurred in Alameda County where all plaintiffs and all
3 defendants reside or have their business office.

4 STATEMENT OF FACTS

5 Plaintiffs John Muhammad Bey and Ali Saleem Bey are businessmen, family men and
6 community leaders in the Oakland Black and Muslim community. Plaintiffs prayed and
7 fellowshipped every Sunday with other Muslims and persons from all walks of life at 5832 San Pablo
8 Ave. in the Golden Gate District of Oakland Ca. Neither of the Plaintiffs has a criminal record nor
9 have they ever engaged in "terrorist" activities. Both Plaintiffs volunteered, by giving back in the
10 Community school and mentoring young black men most at risk. Politically, Plaintiffs were known
11 and respected throughout Alameda County and the Bay Area by representative politicians at all levels
12 including local, county, state, and federal as positive Black and Muslim community leaders.
13 Plaintiffs' specific reputations in City Hall in the City of Oakland were known and respected as
14 excellent across multiple Administrations and City Councils. Plaintiffs were members of a
15 community of law abiding persons that numbered in the hundreds that included individuals, families
16 with children, and entrepreneurs that for over 36 years built and established the Golden Gate District
17 into the Black Muslim equivalency of Oakland's Chinatown or Fruitvale Districts as they relate to
18 Asian and Latino citizens of Oakland. Plaintiffs are well known vocal advocates of Police reform for
19 the Oakland Police Department (OPD) based upon a history of oppression of communities of color in
20 Oakland.

21
22 02/27/04 Waajid Bey was disappeared and plaintiffs John Bey and Saleem Bey filed a
23 missing persons report with OPD on 03/01/04.

24 08/04 Waajid Bey's body is found changing his case to a CID murder investigation

25 06/17/05 John Bey is ambushed by 4 gunmen which opens attempted murder investigation
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1 08/05 Unbeknownst to plaintiffs OPD CID closed plaintiffs John Bey's case with out
2 investigation while professing to plaintiff that said case is still being investigated.

3 09/01/05 plaintiff Saleem Bey files a Concealed Carry Weapons permit (CCW) application

4 03/06 OPD denies plaintiff Saleem Bey's CCW

5 07/13/07 plaintiffs Saleem Bey files IAD complaint 07-0538 naming OPD chain of command
6 employees Brock and Crutchfield as failing to investigate the Waajid Bey and John Bey cases.
7

8 09/01/07 defendant employees Whent and Downing close the investigation of plaintiffs
9 IAD07-0538 with no "finding"

10 03/11 Plaintiffs make records request of John Bey and Waajid Bey cases and are told that said
11 case files are lost.

12 09/11 through due diligence plaintiffs discover that OPD CID closed John Bey case 08/05 but
13 never advised plaintiff John Bey.
14

15 11/11 plaintiffs file Citizens Police Review Board complaint against defendant chain of
16 command responsible for concealing John Bey and Waajid Bey case files and deception over status.
17

18 07/12 plaintiffs notice defendant City council and City Attorney office that Defendant City of
19 Oakland OPD employees where concealing evidence of misconduct connected to murder cases.

20 On 03/2013 plaintiffs Ali Saleem Bey and John Muhammad Bey (hereafter referred to as
21 Saleem Bey and John Bey) requested newly appointed compliance director Thomas Frazier (here
22 after Frazier) to open an investigation of OPD pattern and practice of systemic policy violations
23 committed against said plaintiffs and Your Black Muslim Bakery (hereafter YBMB) 2002 – 2013.
24 Said defendants comprising OPD chain of command repeatedly concealed through this conspiracy
25 [1985] as it relates to said current employees Whent, Downing, Longmire, and Joyner's obstruction
26 of justice and deliberate indifferent service provided resolving crimes against plaintiffs and associates
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1 as Black Muslims, specifically to investigate OPD misconduct related to a. 2004 Waajid Bey murder
2 case b. 2005 John Bey attempted case and c. 2007 IAD Whent and Downing's misconduct failure to
3 investigate concealment through omission of Saleem Bey IAD07-0538 complaint [hereafter a.b.c]
4 and the conspiracy by defendant chain of command to criminally obstruct justice in the murder
5 investigations of Chauncey Bailey, Odell Robeson, Michael Wills, and Waajid Bey linked to
6 systemic defendant chain of command misconduct against plaintiffs.
7

8 Plaintiffs' complaint to Compliance Director Frazier alleged a policy of deliberate
9 indifference and depraved indifference misconduct committed against plaintiffs by defendant City of
10 Oakland past employees Howard Jordan, Wayne Tucker, Todd Crutchfield, Bruce Brock, Andre
11 Rachal, Jeffery Loman, and current OPD employees Sean Whent, Ersie Joyner, Derwin Longmire,
12 and David Downing. (see Exhibit #1)
13

14 On or about 04/20/2013 Thomas Frazier directed OPD to open an investigation of plaintiffs'
15 complaint and provide said Thomas Frazier with facts of the investigation which had been gathered
16 from OPD's deliberate indifference and depraved indifference toward plaintiffs Saleem Bey and John
17 Bey.
18

19 On or about 01/20/2014 the Honorable United States District Judge Thelton Henderson
20 removed Thomas Frazier from overseeing said plaintiffs' case and replaced said Thomas Frazier with
21 Robert Warshaw. As federal compliance director Robert Warshaw never completed the investigation
22 of the pattern and practice of policy violations alleged by plaintiffs Saleem Bey and John Bey
23 requested on 03/2013 and closed 03/18/2014. (see record)
24

25 Defendant IAD Captain Oliver Cunningham assigned IAD employee My Nguyen. Nguyen
26 contacted plaintiff John Muhammad Bey by phone, explaining that then compliance director Frazier's
27 instruction to defendant was to open a transparent that is...openly acknowledged by all involved
28

1 including current chain of command Whent, Figueroa, Downing and Outlaw and progress tracked for
2 fair treatment and “in compliance” completion and resolution. When plaintiffs complained of a
3 history of diminished service by defendant OPD and specifically OPD IAD, IAD employee My
4 Nguyen stated that IAD13-1062 was being watched by “everyone” which defendant employee
5 defined as the compliance director Frazier, the monitor Warshaw, and OPD Chain of command
6 consisting of Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean Whent.
7

8 IAD 13-1062 complaint contained plaintiffs specific complaints against OPD current
9 employees Sean Whent, David Downing, Ersie Joyner, and Derwin Longmire for systemic criminal
10 and deliberate indifferent actions and their concealment (2002 – present), actions constituting deprave
11 indifference to the life and physical safety of plaintiffs, systemic failure to investigate crimes against
12 plaintiffs, failure to provide equal treatment to plaintiffs by CID and IAD, and active concealment of
13 a historical nimus driven pattern and practice of systemic policy (MOR violations) involving repeated
14 diminished services and racial and religious profiling against plaintiffs post 9/11 to present.
15

16 Plaintiffs specifically complained to IAD intake employee My Nguyen that multiple conflicts
17 of interests tainted IAD13-1062 before starting. Plaintiffs then continued their demand for an
18 independent investigation of their complaint based on a demonstrated history of diminished service
19 by defendant provided to plaintiffs John Muhammad Bey and Ali Saleem Bey (the original
20 independent investigation demand by plaintiffs is in writing and dated 07/13/2007 in IAD complaint
21 07-0538). Plaintiffs specifically compared defendants treatment of “occupy” IAD investigating itself
22 conflict of interest tainted investigation that defendant Administration voted for and provided
23 independent investigation services to rectify and resolve in accordance to written policy.
24
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26 Defendant employee My Nguyen informed plaintiffs he was “only” the intake officer and
27 another officer would be assigned to investigate plaintiffs’ complaint. Defendant employee My
28

1 Nguyen scheduled a time and date when plaintiffs could come to the IAD office an “officially” open
2 IAD13-1062 complaint. Both plaintiffs participated in the face to face meeting with employee My
3 Nguyen on or about 07/2013 and specifically gave defendant employee My Nguyen physical as well
4 as verbal evidence supporting plaintiffs’ allegations of fraudulent concealment of class 1 MOR
5 violations by current employees Whent, Downing, Joyner, and Longmire and said employees pattern
6 and practice of systemic diminished services provided plaintiffs. Plaintiffs specifically provided
7 evidence that the failure to investigate IAD complaint 07-0538 by current employees Whent and
8 Downing was systemic, purposeful, and plotted by chain of command in conspiracy with current
9 employees Whent and Downing to conceal CID chain of command (Tucker, Jordan, Loman, Joyner,
10 Longmire, Brock, and Crutchfield) deprave indifferent connection to the murders of civilians
11 Robeson, Wills, and Bailey.

14 Plaintiffs provided evidence that current employees Joyner, Whent, and Downing’s actions
15 against plaintiffs and complicit “concealment via omission” aiding and abetting of CID chain of
16 command (i.e current employees Whent and Downing’s purposeful omission of Joyner, Brock, and
17 Crutchfield in plaintiffs IAD07-0538), for their complicity in crime current employees Whent and
18 Downing were rewarded by said chain of command with promotion of rank, salary, and retirement
19 benefits. Current chain of command is infected by this criminal upward failure in reward by
20 promotion. Evidence of a defendant “broken” policy of promotion is Tucker’s promotion to the head
21 of IAD of Poulson, the “inside” known and concealed in conspiracy murdered of Amaro, concealed
22 in conspiracy by CID member Galindo, who was partners with Longmire, Brock, Crutchfield, and
23 Basa supervised by Joyner. Poulson was the supervisor of Whent and Downing at the time of
24 plaintiffs IAD07-0538 fraudulently 2007 concealed complaint that shielded Tucker from exposure
25 and criminally suppressed evidence tying chain of command to civilian murder.
26
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1 Defendant employee William Griffith was assigned by chain of command to investigate
2 plaintiffs' complaint IAD13-1062. Defendant William Griffith was responsible for meeting with
3 plaintiffs to get information and update plaintiffs on the progress of his investigation of IAD13-1062.
4 On or about 11 2013 while under then Compliance Director Frazier supervision Griffith told
5 plaintiffs that his [William Griffith] investigation had discovered that "Waajid Bey's murder case was
6 connected to the murders of civilian community members Odell Roberson and Michael Wills through
7 the Gun Walked AK47 murder weapon". Plaintiffs level of service changed after the replacement of
8 Frazier with defendant Warshaw. After this change defendant William Griffith never met with
9 plaintiffs. Griffith's investigation of plaintiffs' complaint resulted in deliberate indifference, short
10 shrift concealment of evidence via omission. Griffith purposely failed to produce findings as required
11 by defendant policy outlined in TASK 5 section 5 with the express approval of OPD chain of
12 command. Griffith and chain of command conspired to omit material evidence of corruption
13 committed against plaintiffs by current defendant employees Ersie Joyner, Derwin Longmire, Sean
14 Whent and David Downing all explicitly named in and purposely left out in conspiracy of the
15 resolution letter dated 03/18/2014 closing plaintiffs IAD13-1062 complaint.
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19 Defendant employee William Griffith missed completing the investigation of plaintiff
20 complaint IAD13-1062 within the policy specified time limit of 180 days, failed to provide plaintiffs
21 as complainants any findings against any current employees named by plaintiffs in writing multiple
22 times, first given to intake defendant employee My Nguyen in writing and in person, then given to
23 defendant employee Griffith in the form of audio, video, paper and in person multiple ways and also
24 in person in multiple meetings with defendant employee supervisor Oliver Cunningham.
25

26 During the investigation of 13-1062 Plaintiffs specifically gave detailed evidence multiple
27 times to multiple defendant employees of the continued concealment of OPD employees Joyner and
28

1 Longmire's depraved indifferent actions resulting in the murders of civilians Bailey, Roberson, and
2 Wills. Plaintiffs clearly complained of the continued failure to admit and punish current defendant
3 employees Sean Whent, David Downing, Ersie Joyner and Derwin Longmire for systemic civil rights
4 violations committed as policy and approved of in conspiracy by OPD chain of command against
5 plaintiffs Ali Saleem Bey and John Muhammad Bey.
6

7 The compliance director position under authority of Honorable Thelton Henderson is a
8 contractor paid by defendant City of Oakland. The compliance director is responsible for supervising
9 chain of command and ensuring compliance with the Allen vs. Oakland agreed upon federal consent
10 decree Negotiated Settlement Agreement (NSA) to address systemic OPD historic civil rights
11 violations especially against black and brown citizens of Oakland. The compliance director position
12 is responsible for meting out punishment to OPD chain of command (chief, Assistant chief and
13 deputy chief positions) who have demonstrated a historic failure to hold themselves accountable for
14 MOR violations while quickly throwing rank and file "under the bus" to cover their tracks.
15

16 The Allen vs. Oakland Negotiated Settlement Agreement (NSA) federal consent decree is
17 outlined in mandatory "monitored" for compliance "Tasks" that OPD is required to be in compliance
18 with by federal decree (hence current contractor Warshaw's dual title of compliance director /
19 monitor).
20

21 IAD13-1062 complaint submitted to defendant My Nguyen by plaintiffs Saleem Bey and
22 John Bey on or about 07/27/2013 was very detailed, multifaceted, and complex, containing evidence
23 connected to current chain of command Sean Whent and David Downing's 2007 obstruction of
24 justice in plaintiff Saleem Bey's IAD07-0538 complaint and the "high profile" murder cases of
25 Chauncey Bailey, Waajid Bey, Odell Robeson, and Michael Wills.
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1 On and after 09/01/07 defendants Sean Whent and David Downing concealed evidence
2 defined as obstruction of Justice [18 U. S. Code §1811], said defendants failed to provide plaintiff
3 Saleem Bey's complaint IAD07-0538 filed 07/13/07 [constituting concealing material evidence] to
4 Attorney General Jerry Brown's State Department of Justice request for evidence related to the
5 Chauncey Bailey murder investigation.
6

7 Defendant Whent concealed evidence in conspiracy that OPD employees Howard Jordan,
8 Wayne Tucker, Todd Crutchfield, Bruce Brock, Andre Rachal, Jeffery Loman and current OPD
9 employees Ersie Joyner, and Derwin Longmire knew on 07/17/2007 that plaintiff Saleem Bey was
10 the source, and a subject, along with plaintiff John Bey and business associate Waajid Bey of
11 Chauncey Bailey's last story, based on plaintiff Saleem Bey IAD07-0538 complaint that resulted in
12 his murder by an OPD "gun walked" weapon.
13

14 Said "gun walked" shotgun posed a known life danger to plaintiffs between 11/28/05 and
15 08/02/07. said shotgun was used to murder Chauncey Bailey on 08/02/07, was known by chain of
16 command to have been stolen by Yusuf Bey 4th on 11/28/05. Said "gun walked" illegal shotgun was
17 known to be in the control of Yusuf Bey 4th between 11/28/05 and 08/02/07. Said illegal weapon's
18 use in violation of plaintiffs civil rights to equal protection was being actively tracked, and purposely
19 with deprave heart towards plaintiffs' safety, not interdicted by OPD CID chain of command
20 Defendants OPD employees Howard Jordan, Wayne Tucker, Todd Crutchfield, Bruce Brock, Andre
21 Rachal, Jeffery Loman and current OPD employees Ersie Joyner, and Derwin Longmire. Current
22 employee Whent concealed this off the books "gun walking" operation run by said CID chain of
23 command with depraved indifference to plaintiffs', plaintiffs' immediate family members, and
24 associates physical safety.
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1 On 03/18/2014 defendants Oliver Cunningham and Danielle Outlaw met with plaintiffs John
2 Bey and Saleem Bey at OPD office space and provided said plaintiffs with a letter closing said
3 investigation. Plaintiffs notified Danielle Outlaw and Oliver Cunningham that IAD 13-1062
4 investigation was insufficient and incorrect, because said document was devoid of all plaintiff
5 identified and complained about current defendant employees [Sean Whent, David Downing, Ersie
6 Joyner, and Derwin Longmire]. (see Exhibit #2)

8 On or about 06/2014 plaintiffs discovered through Freedom Of Information Act [FOIA]
9 documents that three (3) months after 9/11 Defendant OPD Criminal Investigation Division CID
10 Intelligence Section (IS) based upon a historical religious intolerance and vitriolic hatred of Black
11 Muslim did falsely designate and investigate using federal resources, plaintiffs as leaders of a 36 year
12 Oakland Domestic Terrorist armed and dangerous Black militia, running a criminal racketeering
13 enterprise RICO. Plaintiffs discovered that OPD CID with depraved indifference to plaintiffs' lives
14 used illegal "gun walking" tactics against plaintiffs that resulted in the murders of civilians.

16 On 07/08/07 Odell Robeson was murdered by a defendant CID "gun walked" AK47 known
17 by OPD chain of command to be controlled by Yusuf Bey 4th and pose a direct life threat to plaintiffs.
18 On 07/12/07 Michael Wills was murdered by a defendant CID "gun walked" AK47 known by OPD
19 chain of command to be controlled by Yusuf Bey 4th. (YB4th) and pose a direct life threat to
20 plaintiffs.
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22 06 -07/07 YB 4th knew plaintiff Saleem Bey was openly and publically accusing him of the
23 Your Black Muslim Bakery fraudulent bankruptcy to defendant City of Oakland Police, Mayor Ron
24 Dellums, County Supervisor Keith Carson, State Assemblyman Sandre Swanson, and
25 Congresswoman Barbara Lee. Plaintiff Saleem Bey wrote letters to and testified in murder victim
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1 Waajid Bey's stolen Your Black Muslim Bakery fraudulent bankruptcy, court of Judge Edward Jellen
2 with YB 4th present and known to OPD.

3 On 07/16/07 defendant OPD chain of command and the Alameda County District Attorney
4 Office approved and participated in Yusuf Bey 4th 's release from Solano County custody with full
5 knowledge and depraved indifference that 4th had access to said "gun walked" weapons (shotgun and
6 AK47 used to murder Robeson 7/8 and Wills 7/12) and posed an imminent life threat to plaintiffs
7 John Bey and Saleem Bey.
8

9 Sometime between 07/17/07 (the writing of Bailey's story) and 08/02/07 (the murder of
10 Bailey), OPD chain of command changed the date of the arrest of Yusuf Bey 4th from 08/01/07 to the
11 day after the murder of Bailey 08/03/07. Defendant OPD chief of police Tucker was 4 years later
12 exposed (2011) as purposely lying to the public to conceal OPD chain of command's change of date
13 to the day after the murder of Chauncey Bailey.
14

15 On 08/02/07 current employee Ersie Joyner states that he ordered all OPD CID surveillance
16 of Yusuf Bey 4th and associates (with defendant chain of command known access to said "gun
17 walked" shotgun and AK47 weapons) stopped exactly during the time of Bailey's murder, thereby
18 "missing" the 3rd murder in 2 weeks by OPD chain of command "gun walked" weapons known to be
19 accessible to Yusuf Bey 4th. OPD chain of command knew this "stand down" order posed a direct
20 threat to the life and liberty of plaintiffs Saleem Bey and John Bey.
21

22 According to the conviction achieved by ALCO DA Melissa Krum, Yusuf Bey 4th using the
23 freedom afforded by OPD chain of command, chose (at that time) not to attempt to murder plaintiff
24 Saleem Bey the source of all the negative information about him and instead ordered Chauncey
25 Bailey murdered on 08/02/07 with the "gun walked" shotgun to silence Bailey's story that would
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1 have exposed criminal actions of OPD chain of command that resulted in Black on Black murder and
2 the murder of innocent civilians.

3 On 09/01/07 Defendants Sean Whent and David Downing discriminated against plaintiffs by
4 failing to investigate plaintiffs' IAD07-0538 complaint against chain of command with deliberate
5 indifference to plaintiffs' equal treatment. Whent discriminated against plaintiffs equal treatment
6 when compared with his supervision of defendant OPD investigation of similar situated OPD officer
7 Grant's IAD complaint, also supervised by defendant Whent. Defendants

9 Whent and Downing concealed evidence of a defendant policy of civil rights violations
10 against plaintiffs as Black Muslims contained in IAD 07-0538 complaint to the detriment of plaintiffs
11 Saleem Bey and John Bey. Defendants Sean Whent and David Downing concealed evidence from
12 State DOJ investigators, constituting at least obstruction of justice, by failing to include plaintiff filed
13 IAD 07-0538 in the DOJ request made to IAD Chan for evidence related to the murder and
14 investigation of said murder of Chauncey Bailey. All the above misconduct discrimination against
15 plaintiffs was concealed by defendant Whent through his appointee Cunningham via incomplete
16 IAD13-1062.
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18
19 These facts and evidence make plaintiffs' IAD13-1062 complaint a more complex
20 investigation than the IAD investigations of similarly situated non Black Muslim initiated "Occupy"
21 related allegations of misconduct against defendant OPD employees by non Black Muslim
22 complainants. Said "Occupy" investigation was similarly [as plaintiffs complaint] complex, multi-
23 layered, multi cased and supervised by Thomas Frazier. Said "Occupy" investigation was conducted
24 and completed according to defendant policy, producing detailed reports on itemized misconduct
25 allegations, whereas, in an example of unequal treatment plaintiffs received a purposely incorrect,
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1 one page summation that conceal evidence beneficial to plaintiffs and protects “dirty” religious
2 profiling cops with no “findings” against current OPD employees.

3 In comparison plaintiffs’ Black Muslim IAD13-1062 complaint which similarly was about
4 current defendant employees and chain of command misconduct, resulted in plaintiffs receiving
5 “deliberate indifferent” diminished services in the form of an incomplete, one page summation.
6 Unlike the detailed reports provided in the “Occupy” investigation of misconduct against non Black
7 Muslims, said incomplete document provided to Black Muslim plaintiffs, was devoid of policy
8 mandated “findings” related to plaintiffs’ complaints against current employees defendants Sean
9 Whent, David Downing, Ersie Joyner, and Derwin Longmire.
10

11 The purposeful omission of “findings” against current employees concealed in IAD13-1062
12 was agreed upon in conspiracy by defendant employees; Derwin Longmire, Ersie Joyner, Oliver
13 Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean Whent to conceal current
14 defendant employees’ policy of deliberate indifference misconduct toward plaintiffs Saleem Bey and
15 John Bey in violation of plaintiffs §1983 and §1985 civil rights. Said conspirators, conferred regularly
16 and communicated repeatedly via meetings, emails, and phone between on or about 07/2013 through
17 03/2014 about plaintiffs’ complaint IAD13-1062. Said defendants agreed in conspiracy to present
18 plaintiffs with a known false statement “no current employees or their supervisor” to conceal
19 evidence that will benefit plaintiffs and be detrimental to chain of command.
20

21 Plaintiffs’ repeating (2004, 2005, 2006, 2007, 2011, 2012, 2013, 2014,2015, and 2016)
22 deliberate indifference “short shrift” treatment is a defendant policy revealed by defendant employee
23 Ersie Joyner’s 2009 OPD internal “skelly” testimony, that states “*all things were treated differently*”
24 regarding OPD interaction with plaintiffs, their associations and religious affiliations.
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1 Defendant employee supervisor Joyner admits that an OPD “policy” of difference in
2 treatment of plaintiffs exists. This policy could not exist without the approval and implementation of
3 defendant OPD chain of command. Plaintiffs have shown repeating examples of said policy of
4 “different” treatment resulting in deliberate indifferent [diminished service] treatment of plaintiffs by
5 Defendant OPD employees, up to and including, said defendants Oliver Cunningham, Danielle
6 Outlaw, David Downing, Paul Figueroa, and Sean Whent’s “short shrift” deliberate indifferent
7 treatment of plaintiffs’ IAD13-1062 complaint.
8

9 Defendant employee Derwin Longmire testified on or about 07/24/2011 that defendant OPD
10 current employees and chain of command have a policy of culturalized supervisor acceptable openly
11 expressed hatred “of the existence of Black Muslims and Your Black Muslim Bakery” of which
12 applies to plaintiffs protected class and status.
13

14 These [admitted] irrational defendant OPD policies of hatred resulting in “different” which is
15 code for defendant policy of approved “discriminatory” treatment of Black Muslims were specifically
16 targeted at and repeatedly applied to plaintiffs Saleem Bey and John Bey to their detriment. Said
17 defendant policies of hatred and “different” treatment of Black Muslims was the moving force behind
18 said deliberate indifferent treatment of plaintiffs by OPD CID and IAD failed investigations of crimes
19 committed against Black Muslims and especially Black Muslim leadership as plaintiffs are known to
20 be.
21

22 Plaintiffs have demonstrated through multiple exhibits, and admissions by defendant
23 employees that defendant’s policy of hatred and depraved difference toward plaintiffs Saleem Bey
24 and John Bey have repeatedly resulted in biased treatment of said plaintiffs by defendant OPD
25 employees following an established policy of deliberate indifference in administering its regular and
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1 internal investigation procedures in a manner motivated by intentional discrimination against Black
2 Muslims which plaintiffs Saleem Bey and John Bey are known to be.

3 Said defendant bias policies against plaintiffs are clearly evident, when compared to the level
4 of service defendant City of Oakland provided similar situated "non Black Muslim" benefiting
5 "Occupy" investigations 2011 – 2012. Said "Occupy" investigations were also supervised by
6 Thomas Frazier 2012-2013. Said "Occupy" investigations followed defendant policy, resulting in
7 defendant providing "Occupy" complainants with many pages and detailed reports that addressed the
8 allegations made against individual defendant OPD current employees as well as reported on OPD
9 chain of command lack of supervision.
10

11 Whereas, plaintiffs' complaint IAD13-1062 which received an unwritten policy of diminished
12 service treatment by defendant OPD's failure to follow written policy, Said "Occupy" related
13 treatment and documentation was in accordance with written defendant policy. Defendant City of
14 Oakland followed TASK 5 section 5 of the Allen vs. City of Oakland Negotiated Settlement
15 Agreement (NSA) Federal Consent Decree policy [requiring a finding for each allegation] for
16 investigations of non Black Muslim or plaintiff related "Occupy" misconduct cases, yet again
17 defendant OPD failed to provide plaintiffs this same mandated information in IAD13-1062.
18 Defendants violated plaintiffs Saleem Bey and John Bey's 42 U.S.C. §1983 equal protection civil
19 rights, based upon, in part, admitted defendant policy of "different" treatment within defendant
20 OPD's policy of culturalized hatred for Black Muslims which plaintiffs are known to be. Defendants
21 Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean Whent in conspiracy
22 purposely omitted this information in plaintiffs' IAD 13-1062 complaint report resulting in "short
23 shrift" deliberate indifferent treatment of plaintiffs' IAD13-1062 complaint. .
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1 On 03/18/14 defendants Oliver Cunningham, Danielle Outlaw, David Downing, Paul
2 Figueroa, and Sean Whent in conspiracy failed to provide the same level of service to plaintiffs as
3 similarly situated "Occupy" investigations to the investigation of plaintiffs' John Bey and Saleem
4 Bey IAD complaint 13-1062. Plaintiffs received a one page, incomplete, purposely factually incorrect
5 letter, intended to conceal evidence of misconduct committed against plaintiffs by current defendant
6 employees Whent, Downing, Joyner, and Longmire.
7

8 Whereas similarly situated "Occupy" complaints, received detailed reports on each allegation
9 and each named officer. Defendant current employees Sean Whent, David Downing, Paul Figueroa,
10 Danielle Outlaw, Oliver Cunningham, Ersie Joyner, and Derwin Longmire met in conspiracy to agree
11 to omit [thus fraudulently conceal] from plaintiffs and the public all MOR violation "findings"
12 against current employees Sean Whent, David Downing, Ersie Joyner, and Derwin Longmire
13 specifically named in plaintiffs' IAD13-1062 complaint.
14

15 03/18/14 Defendant OPD IAD found "unnamed" ex-employees sustained of systemic
16 violations related to failure to investigate crimes against Black Muslims, i.e. Waajid Bey murder
17 case, and plaintiff John Bey attempted murder case. These sustained findings against Brock and
18 Crutchfield where known and available to defendants Sean Whent and David Downing between
19 07/13/2007 and 09/01/07 but said defendants purposely concealed these facts and others from
20 plaintiffs and State DOJ investigators behind a purposely vague statement "*The Internal Affairs*
21 *Division has documented and worked toward resolving your complaint, the circumstances will be*
22 *further reviewed in order to improve our future service to the community*" that contains no
23 admission of misconduct against defendant employees Brock and Crutchfield or their supervisor
24 Ersie Joyner as was true at that moment in 2007.
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1 Defendants' Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean
2 Whent continued systemic discriminatory deliberate indifferent actions in providing diminished
3 services [IAD13-1062 2013 – present] to plaintiffs is irrationally motivated by a policy of hatred
4 against plaintiffs as Black Muslim and wholly unrelated to any legitimate “state” objective.

5
6 Defendants employees continue said irrational “policy” as the moving force behind the
7 deliberate indifferent treatment of plaintiffs, in spite of the fact that plaintiffs have no criminal record,
8 posed no violent risk to the public, and were investigated by defendant employees using federal
9 resources and found not be Domestic Terrorists running a Criminal Racketeering enterprise (RICO)
10 09/09/2004.

11
12 These facts about plaintiffs as individuals were known by defendants Whent, Downing,
13 Cunningham, Outlaw, and Figueroa before starting the investigation of IAD13-1062. These facts that
14 plaintiffs were not Domestic Terrorist running a criminal enterprise out of “the Bakery” were also
15 known by successive defendant OPD chain of commands and CID and IAD employees since
16 09/09/04.

17
18 Defendants discriminatory actions against plaintiffs associated with the deliberately
19 indifferent 2013 -2014 investigation of IAD13-1062 is irrational given defendant OPD’s intimate,
20 personal, historical knowledge and current status of plaintiffs as law abiding citizens. It is even more
21 irrational when combined with the fact that defendants themselves validated plaintiffs’ 2007
22 complaint of discrimination by finding the same employees complained about in plaintiff Saleem
23 Bey’s IAD07-0538 [then current employees Crutchfield and Brock] sustained of failure to investigate
24 cases against Black Muslims seven years later in 2014.
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1 These sustained findings of failure to investigate the Waajid Bey case and John Bey case was
2 true in 2007, but concealed by defendants Sean Whent and David Downing and proven as irrational
3 discrimination against plaintiffs in 2014.

4 Now as of the filing of this complaint [2016], defendants in furtherance of said demonstrated
5 defendant policy of discrimination against plaintiffs, again provided deliberate indifferent treatment
6 to plaintiffs by failing to investigate complaints by plaintiffs against current defendant employees
7 [Whent, Downing, Joyner, Longmire] named in IAD13-1062 and failing to provide equal treatment
8 in reporting plaintiffs' complaint. This deliberate indifferent tactic is employed as a policy by
9 defendant OPD IAD to shield "dirty " currently employed cops from exposure until they retire, the
10 statute of limitations expires, or before due diligence exposes the under color of law concealment.
11

12 The facts of deliberate indifferent treatment by defendant OPD CID employees Brock,
13 Crutchfield, and Joyner were known by defendants Whent and Downing on 09/01/07 and required by
14 defendant policy to be reported to superior officers as well as revealed to plaintiff Saleem Bey as
15 complainant. Yet defendants Whent and Downing purposely concealed said evidence in conspiracy
16 through meetings and communications with OPD Chain of command (Tucker, Jordan, Loman, and
17 Joyner) beginning 07/13/07 from plaintiffs, thereby deliberately concealing evidence of a defendant
18 OPD policy through delivering diminished services to plaintiffs.
19

20 Defendant OPD 42 U.S.C. §1983 violating policy of providing systemic "diminished service"
21 treatment to plaintiffs Saleem Bey and John Bey is a result of the moving force of defendant City of
22 Oakland OPD's irrational policy of religious intolerance against Black Muslim citizens rooted in a
23 policy of supervisor approved existential hatred that is systemically manifested in discriminatory
24 deliberate indifferent service provided repeatedly to plaintiffs John Bey and Saleem Bey as Black
25 Muslims.
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Moreover, when deliberate indifference is manifested, the scale of negative impact directly correlates to the diminished service. When said service is failure to provide timely service to a customer waiting at the counter for 20 minutes is compared a failure in service connected to multiple murder investigations and attempted murder investigations of yourself and family members then opposite ends of scale are in play. This is compounded when said failure in service is concealed and ignored by defendants Whent and Downing with wanton obstruction of justice through a policy of deliberate indifference toward plaintiffs as Black Muslims,

Said defendant Whent as supervisor of IAD07-0538 administered the internal investigation procedures of plaintiff Saleem Bey in a manner motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey and John Bey are known to be. Said defendants Whent and Downing issued IAD File Number "07-0538", a document [fraudulent by gross omission] to plaintiff Saleem Bey. Plaintiff Saleem Bey complained in writing dated 07/13/07 Citizens Police Review board intake form complaining about defendant, employees Brock, Crutchfield and chain of command in relation to their systemic policy of failure to investigate crimes of murder and attempted murder committed against Waajid Bey, plaintiff John Muhammad Bey, and plaintiff Ali Saleem Bey.

The level of deliberate indifference under color of law is directly proportional to its negative impact on a citizen. Defendant Whent as supervisor didn't cover a ticket up, he obstructed justice by concealing evidence that defendant OPD CID Homicide supervisor Ersie Joyner gave deliberate indifferent treatment to plaintiffs by failing to supervise employees Longmire, Brock and Crutchfield who according to 03/18/14 13-1062

Defendant Chain of command approved and issued IAD13-1062, conceals defendant Whent's responsibility in failing to give equal treatment [1983] known and concealed from plaintiffs through a one page, vague worded letter 09/01/07.

09/01/07 defendant Sean Whent did purposely with a policy of depravity following a defendant OPD policy of deliberate indifference toward plaintiffs, administered its internal investigation procedures in a manner motivated by intentional discrimination against Black Muslims and Your Black Muslim Bakery which plaintiffs Saleem Bey and John Bey are known to be.

IAD13-1062 conceals in conspiracy defendant Whent's violations of plaintiffs' 42 U.S.C. 1983 equal protection under color law, when defendant Whent failed per defendant depraved indifference policy to provide equal treatment to plaintiffs. Defendant Whent concealed crimes committed against plaintiffs Saleem Bey and John Bey by defendant current employees CID homicide supervisor Joyner, former employee Brock, former employee Sgt. Crutchfield, current employee Sgt. Longmire.

IAD13-1062 supervised by Whent appointee, defendant Oliver Cunningham, who benefits directly from his relationship with co-defendant Whent. Defendant Cunningham has received from multiple rank promotions [salary, status, pension increases] from his relationship with co-defendant Whent. Cunningham has a vested professional interest in aiding his chief benefactor and also silently infecting a chain of command corrupt for decades in need of a fresh start through receivership.

Defendant Cunningham's prior relationship with defendant Whent. and Whent's appointment of Capt. Cunningham to the top of IAD [tasked with doing fair investigations of police misconduct] makes any investigation by Whent appointee Cunningham of Whent, a clear conflict of interest. Cunningham admitted to plaintiffs that he communicated with Whent regarding IAD13-1062 between 2013 and 2014. This communication with Whent by Cunningham as supervising investigator resulted in the conspiracy to conceal evidence of Whent's violations of plaintiffs civil rights (2007 and IAD13-1062)

1 Defendant Whent concealed an OPD chain of command policy that resulted in endangering
2 plaintiffs' lives and affecting liberty, resulting in creating black on black murder, then with deprave
3 indifference followed a defendant policy of unequal treatment by failing to "officially" investigate
4 the murder of Waajid Bey, the attempted murder of John Bey, and the attempted murder of Saleem
5 Bey 09/01/07. Conflict of interest tainted defendant Cunningham's investigation of IAD13-1062
6 demands the protection of all communications regarding plaintiffs Saleem Bey and John Bey between
7 07/03 and after.

9 The outcome of defendant IAD Capt. Cunningham's investigation of plaintiffs' complaint
10 IAD13-1062 conceals evidence through a policy of omission of guilt that has been used against
11 plaintiffs repeatedly rooted in a policy religious intolerance. Defendant Cunningham as a non Black
12 Muslim administered through his supervision, supervised said internal investigation procedures in a
13 manner motivated by an established defendant policy of intentional discrimination against Black
14 Muslims which plaintiffs Saleem Bey and John Bey are known to be.

16 EXHIBIT 1 issued by defendant supervisor Cunningham was approved by chain of command
17 in conspiracy to conceal defendant OPD's chain of command policy of discrimination against
18 plaintiffs as Black Muslims. The entire chain of command was notice by director Frazier on or about
19 04/03 to open said investigations of OPD CID and IAD employees involvement in repeated
20 deliberate indifference treatment [04, 05, 06 (CCW). 07] .

22 On 03/18/14 defendant Cunningham, following pattern[policy] of plaintiff unequal treatment
23 of plaintiffs John Bey and Saleem Bey [1983], said defendant concealed evidence beneficial to
24 plaintiffs as Black Muslims but detrimental to current employees Whent, Downing, Longmire,
25 Joyner. Said defendant in conspiracy with 2013 to present chain of command came to an agreement
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1 via meetings, email, phone, and text to violated plaintiffs 1983 civil rights by failing to provide the
2 same level of service [1983] as "Occupy" related IAD investigations through said concealment.

3 Defendant Cunningham's concealment of any "findings" related plaintiff filed IAD07-0538 in
4 the wording of EXHIBIT 1, was purposeful, plotted and approved by chain of command in
5 conspiracy with said defendant. The same defendnats that benefited from the conspiracy to conceal,
6 including defendant current employees Whent, Downing, Joyner, Longmire, participated in said
7 conspiracy. Maintaining complete control of the conspiracy is easier when everyone benefits from the
8 conspiracy and said conspiracy was hatched and maintained under color of law by the leadership who
9 only answer to the compliance director.
10

11 Chief level in normal Departments is the highest level in a police department..i.e. where the
12 buck stops. OPD how ever is a proven guilty corrupt department and has been in quasi receivership
13 [Rider case NSA 2003] for the last 13 years as a result of its history of chain of command failures to
14 provide service to Black citizens. Successive defendant OPD chain of commands have acted on a
15 policy of discrimination against plaintiffs civil rights all during this period in scofflaw to the Federal
16 Consent Decree that Supervisor Robert Warshaw has been responsible for overseeing since 2007.
17

18 After being notified of incomplete IAD13-1062 concealing chain of command civil rights
19 violations against plaintiffs Saleem Bey and John Bey compliance director Warshaw failed his
20 contractual obligation to provide Federal oversight and punishment to OPD chain of command who
21 have failed to comply with said federal consent decree for over 13 years, reforms designed to
22 eliminate OPD policies that violate Black citizens civil rights. Plaintiffs received the same deliberate
23 indifferent treatment from Warshaw [in federal violation of NSA] as OPD chain as command
24 regarding unequal treatment of a fair impartial investigation of plaintiffs [a.b.c.] cases.
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04/14 on Defendant Warshaw has had meetings in conspiracy with Whent, Downing, and Figueroa. Defendant Warshaw has admitted to plaintiffs on or about 04/14 that plaintiffs' discontent with IAD13-1062 was the reason for said meeting. With this implicit knowledge Warshaw has failed to take any actions as federal consent decree prescribed against defendants current employees Whent, Joyner, Longmire or Downing. Plaintiffs maintain that through defendant Warshaw's 9 plus year Oakland tax payer funded "honey pot" contract he has had profession under color of law access to plaintiffs IAD cases and Warshaw was provided plaintiffs IAD078-0538 and IAD13-1062 complaints.

Plaintiffs have received the same defendant "short shrift" treatment that the chain of command he is responsible metes out to plaintiffs. Defendant Warshaw following the same policy of deliberate indifference service as OPD chain of command. Warshaw failed to complete or report in violation of TASK 5 section 5 of the NSA, the Frazier initiated investigation of plaintiffs complaints about current employees clearly detailed in IAD13-1062.

Warshaw as supervisor of chief of police Whent, has a laudatory professional relationship with Whent, Warshaw has openly expressed [through his media statements] of his public support for Whent as chief of police of OPD. Warshaw's public support of Whent is in the face of evidence of overwhelming corruption, that is openly available and acknowledged by Warshaw in IAD13-1062's weak concealment of said current employee Whent, Downing, Joyner, and Longmire.

Warshaw has met repeatedly with Whent and discussed the concealment represented in failed and incomplete IAD13-1062 including specifically addressing plaintiffs complaint IAD07-0538 failures connected to Whent and Downing. Warshaw armed with IAD13-1062 knowledge and evidence of plaintiffs historical diminished service, Warshaw has failed to exposed and correct

1 defendant OPD's policy of deliberate indifferent treatment of plaintiffs as Clack Muslims that
2 Frazier's investigation was supposed to expose.

3 Warshaw has addressed and reported to Honorable Judge Thelton Henderson OPD's mis-
4 handling of other non Black Muslim IAD case yet has failed to do the same for plaintiffs as Black
5 Muslims. Warshaw's background is as a former chief of police [Blue Gang Code] during Black
6 Muslim attacks under COINTELPRO 1960's and 1970's means his training identified Black Muslims
7 in a like manner as OPD has historically, thus providing a historical moving force for continuance of
8 said policy of violating Black Muslim's civil rights through deliberate indifferent service.
9

10 Warshaw as supervisor of OPD chain of command followed a defendant OPD policy of
11 deliberate indifference toward plaintiffs, by administering his investigation procedures in a manner
12 motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey and John
13 Bey are known to be.
14

15 Said policy is the moving force behind defendant Warshaw's repeated delivery of diminished
16 services under color of law to plaintiffs based upon religious intolerance of Black Muslims.
17

18 Warshaw's deliberate indifferent failure to complete plaintiffs' complaint IAD13-1062 is the
19 crime of obstruction of justice through conspiracy [1985] with current employees Whent and
20 Downing. Warshaw's meetings with said defendants Whent and Downing were named in plaintiffs'
21 IAD13-1062 as having committed MOR violations against plaintiffs. Failure to administer
22 punishment or implement policy changes to alleviate plaintiffs the policy of deliberate indifference is
23 a violations of plaintiffs equal treatment [1983].
24

25 Defendant Warshaw in continuance of an established policy of deliberate indifference and
26 through multiple meetings did conspire against plaintiffs with his subordinate defendant Sean Whent
27
28

1 to conceal evidence [IAD13-1062] EXHIBIT 1 exposing defendant Whent's failure to investigate and
2 supervise David Downing's concealing evidence beneficial to Black Muslim plaintiffs 09/01/07.

3 Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean Whent,
4 conspirators met and communicated repeatedly about the status of plaintiffs IAD13-1062 2013 –
5 2014. Plaintiffs IAD13-1062 was one of the most high profile IAD complaint investigations during
6 this time. Chain of command has admitted that IAD13-1062 was known and being closely watched.
7 Defendants Whent, Downing, Cunningham, Outlaw, Figueroa, Joyner, Longmire and Roland
8 Holmgren 2015 supervisor of OPD homicide knew of the complaint against Whent and current
9 employees. Said employees [chain of command] carefully chose the wording in conspiracy
10 agreement that omitted[conceals] class 1 MOR violations by current employees, then said
11 conspirators agreed to issue a letter with said wording on 03/18/14 to plaintiffs closing complaint
12 IAD13-1062. Said defendants comprising OPD chain of command repeatedly concealed through this
13 conspiracy [1985] named current employees complained about in plaintiffs IAD13-1062, as it relates
14 to said employees Whent, Downing, Longmire, and Joyner's obstruction of justice and deliberate
15 indifferent service provided resolving crimes against plaintiffs and associates as Black Muslims,
16 specifically a. Waajid Bey case b. John Bey case c. IAD failure to investigate concealment through
17 omission of Saleem Bey IAD07-0538 complaint [hereafter a.b.c]

18 Defendant Cunningham admitted in a meeting held during the investigation of plaintiffs
19 IAD13-1062 complaint thus repeating what defendant employee Nguyen stated to plaintiffs that
20 chain of command and compliance director Frazier were watching the progress of IAD13-1062.

21 Frazier's decision to opening an investigations of the above mentioned [a.b.c.] provided
22 defendant OPD a second opportunity to this time provide a transparent investigation of current
23 employees chief of police Whent, deputy chief Downing, Lt. Ersie Joyner and Sgt. Derwin Longmire
24

1 connection to crimes systemically committed against plaintiffs and Black Muslims as a policy of
2 defendant OPD..

3 Defendant, Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, and Sean
4 Whent met between 07/13 and 03/18/14 and agreed in conspiracy to purposely omit current
5 employees chief of police Whent, deputy chief Downing, Lt. Ersie Joyner and Sgt. Derwin Longmire.
6

7 The conflict of interest meetings between Cunningham and Whent can be defined as all
8 professional contact and communication involving meetings, emails, phone conference, and texts.
9 Said contact between Cunningham and Whent while supervising the investigation of Whent any basic
10 definition of a conflict of interest. Said contact also supports plaintiffs allegation that on 03/18/14
11 defendant Oliver Cunningham issued (EXHIBIT 1) a known fraudulent document as part of a
12 defendant conspiracy to conceal evidence and deliver per defendant OPD policy against Black
13 Muslims deliberate indifference toward plaintiffs, by administering its regular and internal
14 investigation procedures in a manner motivated by intentional discrimination against Black Muslims
15 which plaintiffs Saleem Bey and John Bey are known to be.
16

17 In declassified State DOJ documents defendant OPD CID employees also expressed
18 frustration and disdain for plaintiffs as police reform activist labeled "rabble rousers", Black Muslim
19 community leaders, and politically powerful independent business men.
20

21 Defendant employee Longmire has testified under oath that a policy of culturalized religious
22 intolerance against Black Muslims exists among current OPD employees within defendant City of
23 Oakland, this policy violates plaintiffs 42 U.S.C. §1983 civil rights by allowing defendant employees
24 to openly express hatred of plaintiffs' religious class and deliver "different" as a policy deliberate
25 indifferent service to plaintiffs based upon membership in said protected religious class.
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1 This irrational policy of vitriolic, hate based bias against Black Muslims and Your Black
2 Muslim Bakery presently exists in defendant City of Oakland Police Department and is the driving
3 force in a predictable repeating policy of diminished service received by plaintiffs in IAD13-1062
4 through omission of policy mandated "findings" against current employees who discriminated against
5 plaintiffs. These mandated "findings" were unequally provided to non Muslim/plaintiff similarly
6 situated "Occupy" related complaints by defendant City of Oakland.

8 A defendant OPD chain of command policy (spanning multiple decades) of bias and religious
9 intolerance against plaintiffs, Waajid Bey, and all persons associated with Your Black Muslim
10 Bakery as Black Muslims is the driving force allowing OPD supervisors as policy to discriminate
11 against plaintiffs and associates as Black Muslims. Defendant OPD Criminal Intelligence Division
12 here after (CID) chain of command used this police of discrimination rooted in hatred of Black
13 Muslims as the driving force behind a campaign of excessive force, by using illegal gun walking as a
14 tactic against plaintiffs, in an effort to eliminate plaintiff as leaders of the Black and Muslim
15 community, Defendant CID chain of command was forced to use excessive force by proxy after
16 having failed to eliminate plaintiffs [legally] through the 2002 – 2004 failed investigation. This
17 attempt and failure was concealed in conspiracy with IAD employees Whent and Downing using
18 failure to investigate plaintiff complaint IAD07-0538 supervised and controlled by Whent.

21 2004 – 2007 defendant employees CID officers Brock and Crutchfield were assigned to
22 investigate crimes of murder and attempted murder committed against plaintiffs and following
23 defendant policy of diminished service, said defendant employees did with deliberate indifference fail
24 to investigate based in part upon plaintiffs and associates status in a religious class.

26 Defendant OPD's policy of diminished services to plaintiffs (complained about in 2004, 2005,
27 2006, and 2007) was finally proven factual through plaintiff perseverance in 2014. As stated in
28

EXHIBIT 1 defendant [with approval of chain of command Whent, Figueroa, Downing, and Outlaw] found themselves as an “Department” of defendant City of Oakland sustained of systemic deliberate indifference in the form of failure to investigate crimes committed against plaintiffs and plaintiffs associate Waajid Bey murdered CEO of Your Black Muslim Bakery (YBMB).

In 2009 in an internal OPD document defendant employee Joyner admits that “EVERYTHING was handled differently about the Bakery, EVERYTHING”. In 2011 that “DIFFERENT” treatment of plaintiffs as Black Muslims by defendant OPD chain of command was revealed by defendant employee Longmire, who testified that YBMB and all associated with “the Bakery” (as plaintiffs are) were specifically cited as a target of open “hatred of their existence” by CID employees, including but not exclusively Tim Nolan.

To this day plaintiffs Saleem Bey and John Bey are specifically known individuals that identify as Black Muslims to CID officers and chain of command as leadership of afore mentioned Bakery. As targets of a failed 11 year under color of law investigation [1993 – 2004], All personal, private, and financial details of plaintiffs’ Saleem Bey and John Bey’s lives were gathered under color of law by OPD employees Jordan, Tucker, Loman, Longmire, Rachal, and Joyner. Plaintiffs’ individual identity was known to defendant OPD CID chain of command before, during and after every plaintiff interaction that resulted in deliberate indifferent treatment by defendant employees 93 - present.

When plaintiff Saleem Bey filed IAD complaint 07-0538 on 07/13/2007 and its subsequent closing on 09/01/07 unbeknownst to plaintiff his complaint was as a matter of policy handled “differently” by defendants Whent and Downing per said “internal” stated OPD policy of religious intolerance used against Waajid Bey and plaintiffs John Bey and Saleem Bey based in part upon

1 plaintiffs' and associate's known religious status as Black Muslims and leadership status in the Black
2 and Muslim community.

3 The results of this investigation 09/01/07 revealed that defendant employees Brock,
4 Crutchfield, and Joyner through a defendant policy of systemic deliberate indifference, purposely
5 failed to investigate plaintiff Saleem Bey's 07/13/07 complaint against current OPD chain of
6 command for deliberate indifference failure to investigate.
7

8 Defendants Whent and Downing continue to conceal material evidence tied to a policy of
9 discrimination against plaintiffs John Bey and Saleem Bey behind purposely vague and vacuous
10 language devoid of any policy mandated responses to plaintiff's complaint IAD07-0538. Said
11 defendants actions are in conspiracy with then current defendant employees Tucker, Jordan, Loman,
12 Joyner, Longmire, Brock, Crutchfield, Poulson, Whent, and Downing's to conceal in conspiracy to
13 present [2016], said defendant employees' criminal obstruction of justice in multiple murder cases
14 [Bailey, Robeson, Wills, Bey] and said non public policy of discrimination against plaintiffs as Black
15 Muslims.
16

17 Defendant Whent and Downing's purposely vague quote 09/01/07 conceals via gross
18 omission from plaintiffs a mountain of unknown as of 09/01/2007 evidence above and beyond
19 plaintiffs' 2007 knowledge of systemic OPD failure to investigate: Defendants Whent and Downing
20 concealed from plaintiffs the following: 1. defendant OPD failed 9 year investigation directed at
21 plaintiffs Saleem Bey, John Bey, associate Waajid Bey and associates of YBMB (1993-2002). 2.
22 IAD07-0538 also concealed evidence of a failed subsequent investigation that sought to label
23 plaintiffs as Domestic Terrorists 2003 -2004, that exonerated plaintiffs Saleem Bey and John Bey as
24 well as associate Waajid Bey and Your Black Muslim Bakery. 3. IAD07-0538 also concealed
25 evidence of systemic policy of employee hatred against plaintiffs inside CID. 4. IAD07-0538 also
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1 concealed a policy inside defendant OPD of supervisors tolerating said hatred toward plaintiffs,
2 Black Muslims, and Your Black Muslim Bakery. 5. IAD07-0538 also concealed evidence that
3 everything associated with plaintiffs and Your Black Muslim Bakery was handled “differently” as a
4 matter of policy. 6. IAD07-0538 also concealed from plaintiffs valid and known “sustained” findings
5 against employees plaintiff complained about employees Brock and Crutchfield. In addition,
6 defendant also concealed evidence (2007) of sustained policy violations against CID Supervisor Ersie
7 Joyner and Derwin Longmire unknown to plaintiffs in 2007. This evidence was not available to
8 plaintiffs until defendant was forced to admit CID Brock and Crutchfield and their supervisor Ersie
9 Joyner were found sustained almost seven (7) years later. 7. IAD07-0538 concealed that defendant
10 purposely “buried” plaintiffs’ complaint and concealed evidence (obstruction of justice) in the
11 Chauncey Bailey, Odell Robeson, and Michael Wills murder investigations. 8. IAD07-0538 also
12 concealed evidence of a conspiracy by 2007 defendant chain of command to criminally obstruct
13 justice in the active murder investigations of Waajid Bey, Chauncey Bailey, Odell Robeson, Michael
14 Wills, and Waajid Bey to conceal illegal criminal “gun walking” tactics used against plaintiffs.
15

16
17 Defendants Whent and Downing’s concealment of all the above evidence behind “XXXXXX”
18 was purposely designed to inhibit plaintiffs’ ability to bring a plausible claim against defendant City
19 of Oakland 2007 – 2014. Based upon defendant Whent and Downing deliberate concealment,
20 plaintiffs’ reputation was erroneously tied to criminal acts committed by persons OPD falsely
21 “labeled” to the public as YBMB Black Muslim Leadership. Defendant OPD’s 2007 public media
22 false narrative of Black Muslims and Your Black Muslim Bakery leadership being associated with
23 “terrorism”, was known to be false by defendant OPD employees Whent and Downing who knew the
24 truth was OPD employees Joyner and Longmire following orders from OPD chain of command
25 criminally aided and abetted persons posing as legitimate Black Muslim community leadership, and
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1 posing as legal owners of Waajid Bey's corporation [Your Black Muslim Bakery]. Said defendant
2 employees actions designed to hurt plaintiffs made it possible for said person to commit the litany of
3 crimes and remain in control of Waajid Bey's corporation and assets.

4 The omissions by Whent and Downing in conspiracy with said defendant chain of command
5 employees was specifically designed to conceal known OPD misconduct against plaintiffs that would
6 have revealed the illicit relationship with Yusuf Bey 4th et al. This concealment was done in
7 conjunction with said employees publicly discrediting and defaming of plaintiffs [known to be
8 legitimate Black Muslim leadership with no ties to Terrorism] to the media thereby rendering
9 plaintiffs' "true" allegations of defendant OPD misconduct concealed by defendants Whent and
10 Downing as unbelievable in face of OPD obstruction of evidence that exonerated plaintiffs [09/09/04]
11 and made plaintiffs claims of systemic diminished services plausible.

12 IAD13-1062 conceals evidence of current defendant employees Sean Whent and David
13 Downing's policy following misconduct related to plaintiff Saleem Bey's 2007 IAD07-0538.
14 Defendant employee Whent provided a superior level of service for similar situated non Black
15 Muslim as victim.

16 IAD07-0553 is similarly situated in that both IAD 07-0553 and plaintiff filed IAD07-0538
17 involved investigating CID employees handling of a high profile murder investigation being
18 supervised by the same chain of command including defendant CID Ersie Joyner, employees Loman,
19 Jordan , and Tucker. IAD07-0553 complaint investigation was supervised by the same person as
20 plaintiffs Saleem Bey's complaint IAD07-0538 [defendant Whent]. IAD07-0553 investigation
21 opened within weeks of plaintiffs' IAD07-0538 complaint, was open and investigated concurrently.
22 IAD07-0538 and IAD07-0553 investigations were directly connected by the same persons, namely
23 plaintiffs Saleem Bey and John Bey, Waajid Bey, Chauncey Bailey and Yusuf Bey 4th.
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1 IAD07-0538 filed by plaintiff was handled differently than similar situated IAD07-0553 both
2 were supervised by IAD supervisor Whent.

3 Evidence of a different level of service provided to plaintiffs' IAD07-0538 investigation of
4 crimes against Black Muslims vs. IAD07-0553 crimes against non Black Muslims by defendant
5 supervisor Sean Whent is established in the detailed reports and findings provided by Whent against
6 OPD chain of command, common CID supervisor Ersie Joyner, [Crutchfield CID partner and Yusuf
7 Bey 4th "handler"] CID Longmire, and CID Supervisor Jeffrey Loman.

9 In direct comparison plaintiffs' IAD supervisor after consulting with chain of command to
10 deliver a policy of "different" treatment issued plaintiffs a deliberate indifferent one page letter,
11 containing vague language on 09/01/07, that was devoid of any findings related to plaintiff Saleem
12 Bey's complaint encompassing said same defendant employees CID chain of command Ersie Joyner,
13 Derwin Longmire, and Jeffery Loman, as well as no "findings" against Brock or Crutchfield whose
14 are named in writing on IAD07-0538 intake form.

16 Defendant OPD assistant chief Paul Figueroa has verbally admitted to plaintiffs (in a meeting
17 held with plaintiffs on April 8th 2015 at OPD headquarters executive offices) that "at least" current
18 defendant employee Ersie Joyner, as then 2007 CID supervisor of Longmire, Brock, and Crutchfield
19 was "omitted" (from 03/18/2014 IAD13-1062 letter) and should have been included as "sustained".

21 This defendant admission makes the letter dated 03/18/2014 closing IAD13-1062 a known
22 incorrect and deficient by omission document, that said was purposely deficient based upon platted
23 and planned agreement in conspiracy by current employees Whent, Figueroa, Downing, Outlaw,
24 Cunningham, Joyner, and Longmire.

26 As of the filing of the TAC almost two (2) years after OPD IAD Cunningham and Outlaw
27 purposely gave plaintiffs a purposely incomplete by omission letter on 03/18/2014. Plaintiffs are still
28

1 waiting on defendant Figueroa to “honor” his words and provide plaintiffs with corrected
2 investigation finding. Plaintiffs have repeatedly told defendants Oliver Cunningham, Danielle
3 Outlaw, and Paul Figueroa that plaintiffs were dissatisfied with the incomplete and concealment
4 represented by the “short shrift” investigation of IAD13-1062 and maintain current treatment of
5 plaintiffs more than justifies plaintiffs’ original demand (2007) for an independent investigation.
6

7 Defendant’s nine (9) years of adamant refusal, active concealment, and steadfast resistance to
8 plaintiffs request for a “policy” and consent decree mandated conflict of interest free investigation of
9 plaintiffs’ complaints, complaints that systemically result in diminished levels of service received by
10 plaintiffs. Plaintiffs’ treatment is egregiously different when compared to that which Defendant city
11 of Oakland provided for predominately Caucasian non Black Muslim led “Occupy” supporting
12 members of the public. Defendant rushed to alleviate any chance of IAD conflict of interest that
13 negatively affected “Occupy” members. There is no comparison of the “short shrift” conflict of
14 interest concealment by omission treatment of plaintiffs complaint connected to multiple murders, to
15 the detailed and supervision, comprehensive documentation, reports, findings, and solutions provided
16 in compliance with defendant policy and NSA consent decree IAD investigation of complaints.
17 Occupy related complaints received a thorough and robust investigation by an independent
18 investigator contractor hired by defendant versus a “late” one page purposefully fraudulent by
19 omission letter provided plaintiffs on 03/18/14.
20

21
22 Defendant Administration led by Mayor Schaaf has irrationally (unless concealment is
23 motive) denied plaintiffs continued requests for an independent investigation based upon the conflict
24 of interest of IAD investigating itself as stated in defendants reasoning for independently
25 investigating “Occupy” MOR violation (2013-1062 IAD conflict of interest investigation of IAD’s
26 original purposeful mis-handling of plaintiffs IAD07-0538). The Mayor and Administration have
27
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1 overwhelming evidence of historic OPD corruption tied to murder or civilians in the Black and
2 Muslim community. Mayor Schaaf and Administration is purposely in conspiracy concealing current
3 chain of command's (Whent and Downing) involvement in concealment of at minimum depraved
4 indifference reckless endangerment of plaintiffs' physical safety by current and past defendant OPD
5 employees. Mayor Schaaf has hard evidence that defendant OPD employees Joyner and Longmire
6 actions in conspiracy with OPD chain of command resulted directly in murder of multiple civilians
7 and the attempted murder of plaintiffs by persons being "aided" by defendant employees Joyner and
8 Longmire.
9

10 Plaintiffs personally met with now current Mayor Schaaf and showed her at pointed out that
11 the "lack" of current employees made IAD13-1062 a purposely fraudulent document, Mayor Schaaf
12 read IAD13-1062 in front of plaintiffs and commented on the "interpretation" of wording. Plaintiffs
13 disagreed and complained of a insufficient service by OPD. Mayor Schaaf stated she was on the was
14 to an appointment but agreed to meet at a later date and discuss IAD13-1062 with plaintiffs. Since
15 Schaaf has been Mayor she has refused to give plaintiffs equal treatment of an independent
16 investigation. Under similar circumstances and implicitly citing "conflicts of interest" involving IAD
17 involvement, defendant City of Oakland judiciously via city council resolution, moved to provide an
18 immediate independent investigation via voting to hire a contractor (Frazier) to ensure a "fair and
19 transparent" conflict of interest free investigation of predominately Caucasian persons while
20 continuing for nine (9) years to deny Black and Muslim plaintiffs equal treatment
21

22 Plaintiffs documented and verbally pointed out multiple conflicts of interests tainting IAD13-
23 1062 to defendants Figueroa, Griffith, Cunningham, and Outlaw. Plaintiffs advised defendant
24 Cunningham face to face multiple times and filed a Citizens Police Review Board 2014 of the fact
25 constituting conflict of interest based upon defendant employee Oliver Cunningham was promoted to
26
27
28

1 Captain of IAD by Sean Whent who Cunningham is responsible for investigating. This is classic and
2 egregious example of conflict of interest, effecting putting defendant Cunningham in the position of
3 investigating the person responsible for his increase in professional and financial status inside
4 defendant OPD. Plaintiffs contend this is a reason why defendant Oliver Cunningham purposely
5 failed to investigate and omitted any findings or reference to defendant Sean Whent.
6

7 Defendant employees My Nguyen, William Griffith, Oliver Cunningham, Danielle Outlaw,
8 and Paul Figueroa conspired (1985) to purposely concealed current employees findings through
9 omissions in IAD13-1062. These gross omissions are of the most serious MOR policy violations i.e.
10 Class 1 MOR violations committed by current and past employees constituting, suppression of
11 evidence tied to murder and attempted murder, tampering with evidence tied to a murder
12 investigation, compromising of criminal murder and attempted murder cases, failure to investigate,
13 and failure to supervise, and other violations that would have been revealed in 2007 by a "true"
14 independent investigation of defendant criminal chain of command. Defendant employees My
15 Nguyen, William Griffith, Oliver Cunningham, Danielle Outlaw, and Paul Figueroa conspiracy is by
16 definition aiding and abetting felonies.
17
18

19 Plaintiffs have shown they have been and continue to be discriminated against as policy by
20 said defendant OPD employees. Plaintiffs have demonstrated a multi decade repeating pattern of
21 deliberate indifferent treatment from defendant OPD when compared to similarly situated individuals
22 and groups. Plaintiffs have shown that defendant has an irrational policy not based upon a legitimate
23 state objective of treating plaintiffs as Black Muslims differently, and that this different treatment is a
24 policy of diminished services based upon [an approved by supervisors] irrational policy of systemic
25 religious intolerance of Black Musli
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CLAIMS

Count 1: section 42 U.S.C. § 1983 claim by Plaintiffs against the City of Oakland, Derwin Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa, Sean Whent, and Robert Warshaw

On or about September 1, 2007, David Downing with approval of his supervisor Sean Whent following a defendant OPD policy of deliberate indifference toward plaintiffs, administered its internal investigation procedures in a manner motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey and John Bey are known to be. Said defendants Whent and Downing issued IAD File Number "07-0538", a document [fraudulent by gross omission] to Plaintiff Saleem Bey. Plaintiff [Saleem Bey] complained specifically about defendant, employees Brock, Crutchfield and chain of command in relation to their systemic policy of failure to investigate crimes committed against Waajid Bey, plaintiff John Muhammad Bey and plaintiff Ali Saleem Bey. Defendant.

Defendant employees, David Downing with approval of his supervisor Sean Whent, and his supervisor Poulson failed to comply with defendant, OPD's Manual Of Rules (MOR) written policy by not investigating named employees, Brock and Crutchfield and providing plaintiff Saleem Bey with sustained "finding" of failure to investigate (as verified through IAD13-1062 03/18/14) against said employees and their supervisor Ersie Joyner.

Defendant supervisor Whent provided a superior level of service to similarly situated and directly related IAD07-0553 made by non Black Muslim defendant employee Sgt. Grant when compared to plaintiff IAD07-0538 thereby discriminating as policy against plaintiffs Saleem Bey and John Bey.

1 Plaintiff filed IAD07-0538 received ¾ of a written page, that was purposely vaguely worded,
2 as to conceal 42 U.S.C. §1983[85] civil rights violations systemically committed against plaintiffs
3 Saleem Bey and John Bey by then current defendant employees Brock, Crutchfield, Joyner,
4 Longmire, Loman, Jordan, and Tucker aka defendant OPD chain of command.

5 In comparison, defendant employee IAD supervisor Whent provided IAD07-0553
6 [investigation of same OPD handling of non Black Muslim murder victim Chauncey Bailey] with
7 detailed “findings” against Black defendant CID employees Ersie Joyner (EXHIBIT 8)., Jeffrey
8 Loman (EXHIBIT 9)., and Derwin Longmire (EXHIBIT 10).

9 Said same above named employees, along with Caucasian employees Brock and Crutchfield
10 would have been found sustained in plaintiff’s IAD07-0538 complaint, if equal treatment was applied
11 to plaintiffs Saleem Bey and John Bey by defendant OPD employee. Defendants Whent and
12 Downing issued documentation 09/01/07 to plaintiff Saleem Bey that purposely concealed evidence
13 of civil rights violations against plaintiffs by omission (i.e. required information totally absent in
14 plaintiff received via mail closing letter). Defendants discriminated against plaintiffs by violating
15 IAD policy which requires specific information and findings regarding Manual Of Rules violations
16 and 42 U.S.C. §1983 and §1985 civil rights violations (known to be true at the time) committed
17 against plaintiffs Saleem Bey and John Bey, and Waajid Bey. The moving force behind these
18 violations of plaintiffs’ 42 U.S.C. §1983 and §1985 civil rights was based upon following a defendant
19 OPD policy of deliberate indifference, rooted in systemic hatred and religious intolerance of Black
20 Muslim which plaintiffs are known to be.

21 Count 2: section 42 U.S.C. § 1983 claim by Plaintiffs against the City of Oakland, Derwin
22 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, Paul Figueroa, Sean
23 Whent, and Robert Warshaw
24

1 Named defendants failed to resolve plaintiffs' IAD complaint 13-1062 as mandated in OPD
2 policy and procedure. Named defendants violated plaintiffs' 42 U.S.C. §1983 and §1985
3 constitutionally guaranteed right to equal treatment and protection from discrimination under color of
4 law by providing unequal treatment as compared to the similarly situated.

5
6 Named defendants followed defendant OPD unwritten policy of deliberate indifference
7 toward plaintiffs John Bey and Saleem Bey by administering its internal investigation procedures in a
8 manner motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey
9 and John Bey are known to be

10 The moving force behind defendant's serial examples of deliberate indifference
11 discrimination against plaintiffs' religious class is, defendant OPD currently has a systemic
12 culturalized policy of professed hatred of Black Muslims and Your Black Muslim Bakery, both of
13 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
14 direct repeating targets and recipients of said defendant's irrational hatred.

15
16 Defendant City of Oakland provided similarly situated non Black Muslim "Occupy"
17 complainants superior service to plaintiffs by completing "Occupy" related investigations according
18 to policy. In comparison, said defendant with deliberate indifference failed to complete Black Muslim
19 plaintiffs IAD13-1062 according to policy or at all to date.

20
21 Defendant provided superior treatment to similar situated "Occupy" related IAD complaint
22 investigations (of non Black Muslim and non plaintiff Saleem Bey and John Bey) complainants by
23 providing a complete report with policy required "findings" resolving misconduct complaints against
24 current OPD employees.

25
26 Defendants Derwin Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David
27 Downing, James Figueroa, Sean Whent, and Robert Warshaw discriminated under color of law
28

1 against plaintiffs' equal treatment civil rights by concealing through omission "findings" against
2 current employees Whent, Downing, Joyner Longmire's Class 1 MOR misconduct committed with
3 depraved indifference, in violation of plaintiffs John Bey and Saleem Bey's 42 U.S.C. 1983 civil
4 rights. Whereas similarly situated Non Black Muslim "Occupy" related report was many pages and
5 detailed and followed defendant policy, defendant provided Black Muslim plaintiffs a deliberate
6 indifferent one page incomplete and in conspiracy, factually incorrect, letter and "short shrift"
7 investigation.
8

9 OPD policy requires OPD IAD to resolve all complaints "using the preponderance of
10 evidence standard. Each allegation shall be resolved by making one of the following findings
11 "unfounded, sustained, exonerated, not sustained or filed". This policy standard was applied to non
12 Black Muslim "Occupy" investigations but not to Black Muslim plaintiffs IAD13-1062 complaint
13

14 Defendant City of Oakland followed TASK 5 section 5 for non Black Muslim "Occupy"
15 investigations while plaintiffs John Bey and Saleem Bey received deliberate indifference diminished
16 service by defendant OPD when defendant employees Cunningham, Griffith, Supriano, Outlaw, and
17 Figueroa failed to produce and reveal any TASK 5 Section 5 "findings" as policy mandated, on
18 complaints made by Plaintiffs against current Defendant employees Whent, Downing, Joyner, and
19 Longmire.
20

21 Current employees named in OPD IAD 13-1062 complaint, including the current OPD Chief
22 of Police Sean Whent, current OPD Deputy Chief of Police David Downing (EXHIBIT A), current
23 OPD Officers Ersie Joyner and Derwin Longmire, in addition defendants; City of Oakland, Derwin
24 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
25 Sean Whent, and Robert Warshaw
26
27
28

1 have "Stone walled" plaintiffs for resolution of complaint IAD13-1062 through purposeful
2 concealment and by omission have provided no "findings" or investigation documentation to
3 plaintiffs as Black Muslims as required by policy. Defendant City of Oakland provided "findings"
4 and documentation in compliance with written policy and in a timely manner to non Black Muslim
5 initiated "Occupy" IAD investigations. Plaintiffs have been stoned walled since 03/18/14 to present
6 filing of Third Amended Complaint.
7

8 Plaintiffs have suffered Mentally, Physically, and Financially as a result defendant's policy of
9 discrimination against plaintiffs as Black Muslims

10 **Count 3: section 42 U.S.C. § 1985** claim by Plaintiffs against the City of Oakland, Derwin
11 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
12 Sean Whent, and Robert Warshaw
13

14 Named defendants failed in conspiracy to resolve plaintiffs' IAD complaint 13-1062 as
15 mandated in OPD policy and procedure. Named defendants violated plaintiffs' 42 U.S.C. §1983 and
16 §1985 constitutionally guaranteed right to equal treatment and protection from discrimination under
17 color of law by providing unequal treatment as compared to the similarly situated.
18

19 Named defendants followed defendant OPD unwritten policy of deliberate indifference
20 toward plaintiffs John Bey and Saleem Bey by administering its standard and internal investigation
21 procedures in a manner motivated by intentional discrimination against Black Muslims which
22 plaintiffs Saleem Bey and John Bey are known to be
23

24 The moving force behind defendant's systemic deliberate indifference discrimination against
25 plaintiffs' religious class is, defendant OPD's systemic culturalized policy of different treatment
26 based upon openly professed hatred of Black Muslims and Your Black Muslim Bakery, both of
27
28

1 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
2 direct repeating targets and recipients of said defendant's irrational hatred.

3 Defendants Derwin Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David
4 Downing, James Figueroa, and Sean Whent, and each of them agreed in conspiracy to a. deliberately
5 give "different" aka deliberate indifferent treatment to plaintiffs' IAD13-1062 complaint. Named
6 defendants also agreed in conspiracy to conceal material evidence related to crimes and civil rights
7 violations committed and concealed since 09/01/2007 against plaintiffs John Bey and Saleem Bey by
8 current defendant employees and co-conspirators, Whent, Downing, Joyner, and Longmire named by
9 plaintiffs in complaint IAD13-1062 from plaintiffs and the public.
10

11 Said defendant employees executed said conspiracy through an agreed upon purposefully,
12 plotted, planned and executed strategy developed through and nurtured by multiple internal defendant
13 meetings and communications by said conspirators between 07/13 and 03/14 to conceal [through
14 omission] said evidence related to defendant's "nonpublic" policy of systemic deliberate indifferent
15 unequal treatment of plaintiffs as Black Muslims by said current employees. Said defendant
16 employees conspiracy to deliver deliberate indifferent treatment to plaintiffs was developed and
17 agreed upon in said conspiracy against plaintiffs and was executed in agreemnet through said
18 defendant employees communications, including but not limited to meeting, email, phone conference,
19 and written notes.
20

21 After being accused of said conspiracy by plaintiffs John Bey and Saleem Bey, said defendant
22 employees continue to conceal said conspiracy using the same communication between 2013 and
23 present [2016]. In furtherance of said conspiracy along with current employees defendants Derwin
24 Longmire, Ersie Joyner, Sean Whent, and David Downing named in Plaintiffs' IAD complaint 13-
25 1062, also current employees Cunningham, Outlaw, Griffith, and Figueroa continue to conceal said
26
27
28

1 employees policy of systemic discrimination misconduct (failure to investigate, obstruction of justice,
2 tampering and concealing evidence, deliberate indifferent diminished services) against plaintiffs
3 Saleem and John Bey from plaintiffs and the public.

4 This plotted and planned conspiracy to conceal from plaintiffs and the public, current
5 employees Whent, Downing, Joyner, and Longmire class 1 MOR violations committed against
6 plaintiffs was arrived at after at minimum seven (7) months (July 2013 – March 2014) of internal
7 meetings and communications at Defendant City of Oakland executive leadership level and defendant
8 OPD command level (Captain IAD Oliver Cunningham, Deputy Chief Danielle Outlaw, Deputy
9 Chief David Downing, Assistant Chief James Figueroa, and Chief of police Sean Whent. This 42
10 U.S.C. § 1985 conspiracy was agreed upon by said defendant employees to deprive Plaintiffs of 42
11 U.S.C. § 1983 equal treatment civil rights.

12
13
14 Collectively Defendant employees violated plaintiffs civil rights by committing OPD Manual
15 of Rules (MOR) violations of obstruction of justice, suppression of evidence, failure to investigate,
16 reckless endangerment, defamation, and compromising criminal cases to the detriment of Plaintiffs as
17 it relates to deliberate indifference failure to investigate current Defendant employees named in
18 Plaintiff complaint IAD 13-1062. Defendant City of Oakland Mayor Libby Schaaf was personally
19 noticed by plaintiffs of said IAD13-1062 conspiracy along with defendant employees City Attorney
20 office, City Administrator office, and City Council members and all have refused to act against said
21 conspiracy involving concealing the murder of civilians during a policy action using “gun walked”
22 illegal weapons thereby compounding plaintiffs injuries by participating in furtherance of said
23 conspiracy.

24
25
26 Said leadership level conspiracy by defendants demonstrates and is in furtherance of a pattern
27 and practice policy of racial and religious discrimination against plaintiffs as Black Muslims, and
28

1 plaintiffs as individuals targeted through irrational hatred, bias, and profiling as a class of two and as
2 Black Muslims. Plaintiffs have suffered Mentally, Physically, and Financially as a result thereof .

3 **Count 4: section 42 U.S.C. § 1983** claim by Plaintiffs against the City of Oakland, Derwin
4 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
5 Sean Whent, and Robert Warshaw
6

7 Document dated March 18th 2014 [IAD 13-1062] (Exhibit A) Filed by Plaintiffs states that
8 OPD in its entirety was sustained for systemic failures to investigate plaintiff John Muhammad Bey
9 (2005) and Waajid Bey(2004) but fails to name said employees and provide “finding” on said
10 employees thereby denying plaintiffs equal treatment to similarly situated IAD complaints.
11

12 IAD 13-1062 deliberate indifference is the latest in a long line of defendant failure to
13 investigate plaintiff complaints and crimes committed against plaintiffs Saleem Bey and John Bey,
14 which purposely conceals by omission and prevents under color of law, any investigation or findings
15 related to OPD IAD07-0538 former employees misconduct or current employees Sean Whent and
16 David Downing’s deliberate indifference failure to investigate plaintiff Ali Saleem Bey’s complaint
17 [IAD 07-0538].
18

19 Named defendants failed in agreed upon conspiracy to resolve plaintiffs’ IAD complaint 13-
20 1062 as mandated in OPD policy and procedure. Named defendants violated plaintiffs’ 42 U.S.C.
21 §1983 and §1985 constitutionally guaranteed right to equal treatment and protection from
22 discrimination under color of law by providing unequal treatment as compared to the similarly
23 situated.
24

25 Named defendants followed defendant OPD unwritten policy of deliberate indifference
26 toward plaintiffs John Bey and Saleem Bey by administering its standard and internal investigation
27
28

1 procedures in a manner motivated by intentional discrimination against Black Muslims which
2 plaintiffs Saleem Bey and John Bey are known to be

3 The moving force behind defendant's systemic deliberate indifference discrimination against
4 plaintiffs' religious class is, defendant OPD's systemic culturalized policy of different treatment
5 based upon openly professed hatred of Black Muslims and Your Black Muslim Bakery, both of
6 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
7 direct repeating targets and recipients of said defendant's irrational hatred.
8

9 By comparison defendant City of Oakland provided similarly situated non Black Muslim
10 initiated "Occupy" related investigations with policy mandated names and "findings" associated with
11 allegations made against current OPD employees. Defendant OPD IAD Oliver Cunningham failed to
12 deliver equal treatment to plaintiffs by failing to provide said equal treatment to plaintiffs a violation
13 of plaintiffs' 42 U.S.C. §1983 civil rights. Plaintiffs did not and have not to date received "findings"
14 against past employees Brock and Crutchfield nor current employees, Whent, Downing, Joyner, or
15 Longmire that plaintiffs named in their complaint on or about 07/27/13.
16

17 The Defendants repeating actions show a long multi-year pattern and practice policy of
18 discrimination against plaintiffs John and Saleem Bey in continuance of its unwritten policy of
19 systemic deliberate indifference by administering its internal investigation procedures in a manner
20 motivated by intentional discrimination against Black Muslims. Said policy of discrimination exists
21 currently in defendant employees who failed to investigate IAD 13-1062 (3/18/2014). Plaintiffs have
22 suffered Mentally, Physically, and Financially as a proximate result.
23

24 **Count 5: section 42 U.S.C. § 1983** claim by Plaintiffs against the City of Oakland, Derwin
25 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
26 Sean Whent, and Robert Warshaw
27
28

1 IAD 13-1062 (EXHIBIT A) complaint was filed by Plaintiffs in writing and verbally detailed
2 in multiple interviews with the defendants Oliver Cunningham and Danielle Outlaw. Plaintiffs
3 Saleem and John Bey implicitly complained of a failure to investigate and specifically named OPD
4 IAD David Downing (EXHIBIT IAD07-0538) and OPD IAD Sean Whent as it relates to Plaintiff Ali
5 Saleem Bey filed IAD 07-0538 and failure to investigate plaintiff John Muhammad Bey's attempted
6 murder (2005) and Waajid Bey's murder (2004).
7

8 Defendant's written and approved IAD 13-1062 EXHIBIT A states "The individual Subject
9 Officers and their immediate supervisor are no longer employed by O.P.D."

10 The wording in defendant IAD 13-1062 issued to Plaintiffs on 03/18/14 in response to said
11 complaint was known by defendant employees Oliver Cunningham and Danielle Outlaw before
12 03/18/14 to be factually and intentionally incorrect and designed to conceal misconduct evidence
13 related to current OPD employee Sean Whent and David Downing obstruction of justice in multiple
14 murder and attempted murder investigations related to plaintiffs.
15

16 Named defendants failed in agreed upon conspiracy to resolve plaintiffs' IAD complaint 13-
17 1062 as mandated in OPD policy and procedure. Named defendants violated plaintiffs' 42 U.S.C.
18 §1983 and §1985 constitutionally guaranteed right to equal treatment and protection from
19 discrimination under color of law by providing unequal treatment as compared to the similarly
20 situated.
21

22 Named defendants followed defendant OPD unwritten policy of deliberate indifference
23 toward plaintiffs John Bey and Saleem Bey by administering its standard and internal investigation
24 procedures in a manner motivated by intentional discrimination against Black Muslims which
25 plaintiffs Saleem Bey and John Bey are known to be
26
27
28

1 The moving force behind defendant's systemic deliberate indifference discrimination against
2 plaintiffs' religious class is, defendant OPD's systemic culturalized policy of different treatment
3 based upon openly professed hatred of Black Muslims and Your Black Muslim Bakery, both of
4 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
5 direct repeating targets and recipients of said defendant's irrational hatred.
6

7 Defendant City of Oakland provided similarly situated non Black Muslim "Occupy"
8 complainants with factually correct documentation while providing plaintiffs as Black Muslims
9 factually incorrect documentation.
10

11 Said defendants false statement was admitted as such by defendant assistant chief Figueroa on
12 04/06/2015 to plaintiffs John and Saleem Bey when, said defendant Figueroa representing
13 supervision over IAD13-1062 and said defendants Cunningham and Outlaw stated that defendant
14 supervisor Ersie Joyner should have been included and found "sustained on 03/18/14 IAD13-1062.
15

16 Figueroa went on to promise plaintiffs, he would correct the deficiencies admitted in IAD13-
17 1062 on 06/06/15 but to date as of the filing of the TAC said defendant has stne walled plaintiffs with
18 empty words following defendant policy of deliberate indifferent treatment of plaintiffs.
19

20 Defendants Cunningham and Outlaw had knowledge of Class 1 MOR violations committed
21 against plaintiffs Saleem Bey and John Bey by supervisor Ersie Joyner and in MOR violation then
22 failed to report said violations. Defendants Outlaw and Cunningham are duty bound to report said
23 Class 1 violations against said plaintiffs and failed to act on said knowledge in violation of plaintiffs
24 equal treatment protection [1983]. Defendants failed to report Class 1 MOR violations against
25 plaintiffs in continuance of defendant's policy of a pattern and practice of systemic deliberate
26 indifference . Defendant employees Cunningham, Outlaw, and Figueroa administering this unequal
27 treatment a manner motivated by intentional discrimination against plaintiffs as Black Muslims and
28

1 against plaintiffs as individuals based upon a defendant policy of irrational hatred of plaintiffs as
2 individuals.

3 Said document [IAD13-1062] included purposeful omission of current employees to conceal
4 MOR violations and criminal acts committed by said employees Sean Whent, David Downing, Ersie
5 Joyner, and Derwin Longmire against plaintiffs and Waajid Bey when presented to plaintiffs John
6 Bey and Saleem Bey on 03/18/14.

7
8 Defendants Cunningham and Outlaw knew through plaintiffs complaint that on or about
9 September 1, 2007 OPD Downing's supervisor Sean Whent did not perform as required by OPD
10 MOR policy to report known class 1 MOR violations by then current employees Brock, Crutchfield,
11 Joyner, Longmire, Tucker, Rachal, and Loman committed against plaintiffs' Saleem Bey and John
12 Bey. Defendants Cunningham and Outlaw failed to report these and current MOR class 1 violations
13 against plaintiffs related to deliberate indifference failure to investigate plaintiffs complaints.

14
15 Plaintiffs Saleem Bey and John Muhammad Bey have suffered Mentally, Physically, and
16 Financially as a proximate result of OPD, chain of command leadership, defendants Paul Figueroa,
17 David Downing, Sean Whent, Oliver Cunningham and Danielle Outlaw's failure to provide equal
18 treatment to plaintiffs through a defendant policy of deliberate indifference service to Black Muslims.

19
20 **Count 6: section 42 U.S.C. § 1985** claim by Plaintiffs against the City of Oakland, Derwin
21 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
22 Sean Whent, and Robert Warshaw

23
24 OPD IAD 13-1062 in the Defendants own written, approved, and signed words, state that a
25 known [since at least 2007] systemic pattern and practice of unequal discrimination against plaintiffs
26 as Black Muslim, through a defendant policy of deliberate indifference failure to investigate crimes
27 involving murder and attempted murder has and does exist in defendant OPD CID and IAD.

1 Said defendant OPD policy of deliberate indifferent treatment of plaintiffs and Black Muslims
2 is continued conspiracy by named defendants; City of Oakland, Derwin Longmire, Ersie Joyner,
3 Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa, Sean Whent, and Robert
4 Warsaw in violation of equal protection from discrimination under color of law 42 U.S.C. §1985
5 civil rights of plaintiffs John Bey and Saleem Bey as a class of [two] based upon in part on a
6 promotion reward system for silence and complicity, self preservation of the guilty, and defendant's
7 policy of irrational hatred and policy of different treatment toward plaintiffs John Bey and Saleem
8 Bey also as Black Muslims.

9
10 Named defendants failed in conspiracy to resolve plaintiffs' IAD complaint 13-1062 as
11 mandated in OPD policy and procedure. Named defendants violated plaintiffs' 42 U.S.C. §1983 and
12 §1985 constitutionally guaranteed right to equal treatment and protection from discrimination under
13 color of law by providing unequal treatment as compared to the similarly situated.

14
15 Named defendants followed defendant OPD unwritten policy of deliberate indifference
16 toward plaintiffs John Bey and Saleem Bey by concealing through conspiracy defendant's policy of
17 concealing information rightfully due and beneficial to plaintiffs by administering its standard and
18 internal investigation procedures in a manner motivated by intentional discrimination against Black
19 Muslims which plaintiffs Saleem Bey and John Bey are known to be

20
21 The moving force behind defendant's systemic deliberate indifference discrimination against
22 plaintiffs' religious class is, defendant OPD's systemic culturalized policy of different treatment
23 based upon openly professed hatred of Black Muslims and Your Black Muslim Bakery, both of
24 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
25 direct repeating targets and recipients of said defendant's irrational hatred.
26
27
28

1 Defendant admits systemically violating Plaintiffs' civil rights over a multi-year period using
2 multiple officers (defendant employees Brock, Crutchfield, Rachal, Longmire, and their Supervisors
3 Ersie Joyner, Jeffrey Loman, Howard Jordan, and Wayne Tucker who met regularly and
4 implemented agreed upon strategies in conspiracy to intentionally violate Plaintiffs civil rights based
5 upon a pattern and practice of deliberate and depraved indifferent treatment rooted in Racial and
6 Religious bigotry profiling and a demonstrated history of antagonism by defendant OPD CID chain
7 of command toward plaintiffs John Bey and Saleem Bey.
8

9 Defendant City of Oakland and it's employees, Derwin Longmire, Ersie Joyner, Oliver
10 Cunningham, Danielle Outlaw, David Downing, James Figueroa, Sean Whent, and Robert Warshaw
11 add to [IAD13-1062]and continue said ongoing conspiracy by agreeing after meetings between 2013
12 and 2014 at which said defendant employees agreed in conspiracy to conceal evidence through
13 omission [IAD13-1062] of a civil rights violating secret "off the books", non public known OPD
14 chain of command managed POST 9/11 operation that specifically targeted plaintiffs using illegally
15 "gun walked " weapons in deprave indifference to plaintiffs and their families lives and safety.
16

17 This concealed "off the books" secret operation resulted in defaming plaintiffs reputations to
18 this day, destroying plaintiffs businesses, the murder of Waajid Bey, the attempted murders of
19 plaintiffs John Bey and Saleem Bey, and the civilian murders of Chauncey Bailey, Odell Robeson,
20 and Michael Wills.
21

22 All said above employees. have knowledge that the evidence and facts supplied in plaintiffs'
23 complaint IAD13-1062 is accurate and then agreed to conceal said evidence from plaintiffs and the
24 public through an agreement to omit policy mandated "findings" associated with plaintiff complaint
25 IAD13-1062. This conspiracy was motivated by defendant OPD's policy of intentional
26 discrimination against plaintiffs as Black Muslims and as individuals whom defendant OPD has an
27
28

1 irrational hatred [i.e. not based upon a valid state objective] towards plaintiffs John and Saleem Bey
2 as a class of [two].

3 This irrational treatment of plaintiffs is known and unchecked by defendant City of Oakland
4 leadership and continues in conspiracy to present with the Mayor's office, the City Council members,
5 the City Administrator's office, and the City Attorney's office to conceal from plaintiffs and the
6 public said policy of known and approved culturally ingrained bias by defendant OPD chain of
7 command against the Oakland Black Muslims community and specifically against plaintiffs as Black
8 Muslims, community leaders, and activists with economic and political power.

9
10 Plaintiffs have suffered Mentally, Physically, and Financially as a proximate result of said
11 short shrift deliberate indifference by said defendants.

12
13 **Count 7: section 42 U.S.C. § 1983** claim by Plaintiffs against the City of Oakland, Derwin
14 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
15 Sean Whent, and Robert Warshaw.

16 Factually IAD complaint 13-1062 filed by plaintiffs names members of current defendant
17 OPD chain of command (including current OPD chief Sean Whent and deputy Chief David
18 Downing).

19
20 The failure by current assistant chief Paul Figueroa to recues himself from the investigation of
21 IAD complaint 13-1062 in which Whent is named and Figueroa (promoted by Whent) is assigned, is
22 a defined violation of defendant policy regarding conflict of interest tainted investigations.

23 In addition, the control and supervision of said investigation of plaintiffs most recent
24 complaint IAD 13-1062 was assigned to OPD IAD Oliver Cunningham to investigate his Superior
25 (OPD Whent) that promoted Cunningham to his position. Defendant OPD Cunningham, Figueroa,
26 and OPD Whent's Failure to recues themselves resulted in no findings in plaintiff complaint 13-1062
27
28

1 by OPD Cunningham against his professional benefactor and superior, current Chief of Police Sean
2 Whent.

3 Additionally, IAD investigating IAD's investigation of IAD07-0538 is a conflict of interest,
4 in that IAD cannot investigate its own misconduct as agreed upon by defendant City of Oakland as a
5 reason to authorize and independent investigation of IAD involvement in similarly situated non Black
6 Muslim "Occupy" related misconduct. Given the same conflict of interest criteria, defendant City
7 ofOakland gave unequal treatment to Black Muslim plaintiffs Saleem Bey and John Bey by
8 continuing as a policy of deliberate indifferent treatment [since 07/13/07] in denying plaintiffs
9 request for an independent investigation of non statute crimes committed against plaintiffs.
10

11 Named defendants followed defendant OPD unwritten policy of deliberate indifference
12 toward plaintiffs John Bey and Saleem Bey by failing to provide an independent investigation of
13 conflict of interest tainted IAD13-1062. This is furtherance of defendant's policy of providing
14 diminished services as compared to the similarly situated by concealing information rightfully due
15 and beneficial to plaintiffs through administering its standard and internal investigation procedures in
16 a manner motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey
17 and John Bey are known to be.
18

19 The moving force behind defendant's systemic deliberate indifference discrimination against
20 plaintiffs' religious class is, defendant OPD's systemic culturalized policy of different treatment
21 based upon openly professed hatred of Black Muslims and Your Black Muslim Bakery, both of
22 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
23 direct repeating targets and recipients of said defendant's irrational hatred.
24

25 Said defendants Figueroa and Cunningham's relationship with complaint investigation
26 subject Whent meets defendant's policy against conflict of interest investigations by defendant's P.D.
27
28

1 IAD. Defendant employees chief Whent, assistant chief Figueroa, and captain of IAD Cunningham
2 harmed the Plaintiffs in violating their right to the equal treatment and protection [1983] of a conflict
3 of interest free investigation as provide non Black Muslim IAD complaints.

4 Plaintiffs treatment is diminished in comparison to a similarly situated circumstance involving
5 a non Black Muslim identified IAD conflict of interest investigation involving IAD participation in
6 “Occupy” misconduct investigations. Said defendant City of Oakland specifically cites “IAD
7 conflict of interest” as reasoning for defendant City of Oakland to approve and provide an
8 independent investigation conducted by Thomas Frazier for “Occupy” related IAD conflict of interest
9 tainted investigations.

10
11 Given the same and similar circumstances of IAD conflict of interest related to plaintiff filed
12 complaint IAD13-1062 being supervised by said same Thomas Frazier, defendant failed to provide
13 Plaintiffs with equal treatment [1983]. Plaintiffs complained to defendant City of Oakland leadership
14 (Warshaw, City council members, Mayor, City Administrator, CPRB, and City Attorney’s office)
15 that IAD personnel Cunningham et al investigating former IAD personnel’s (Sean Whent and David
16 Downing) connection to class 1 MOR violations committed against plaintiffs John Bey and Saleem
17 Bey constituted the same IAD conflict of interest that resulted in non Black Muslim “Occupy”
18 receiving a defendant funded independent investigation but not Black Muslim complaint IAD13-
19 1062.

20
21 Defendant has irrationally and steadfastly refused to provide plaintiffs with equal treatment
22 of a policy required independent investigation as defendant City of Oakland provided non plaintiff
23 Black Muslim “Occupy” related investigations.

24
25 These obvious conflict of interests serve as evidence that the defendant has no “air of
26 credibility” in the resultant “short shrift” investigation of IAD 13-1062 headed and directed by
27
28

1 appointed and managed subordinates (Cunningham and Figueroa) that currently and directly benefits
2 from thier association with chief Sean Whent. Failure by Defendant employee Captain Oliver
3 Cunningham (who was promoted to Captain of Internal affairs by current chief Sean Whent thus
4 making him an appointee of his) failed to investigate current OPD Deputy Chief David Downing,
5 current OPD Chief of Police Sean Whent, current OPD Captain Ersie Joyner, and current OPD
6 officer Derwin Longmire in violation of defendant MOR policy and plaintiffs' civil rights. Plaintiffs
7 have suffered Mentally, Physically, and Financially as a proximate result of said short shrift
8 deliberate indifference treatment by said defendants.

9
10 **Count 8: section 42 U.S.C. § 1983** claim by Plaintiffs against the City of Oakland, Derwin
11 Longmire, Ersie Joyner, Oliver Cunningham, Danielle Outlaw, David Downing, James Figueroa,
12 Sean Whent, and Robert Warshaw

13
14 The sustained allegations against current and former employees of defendant City of Oakland
15 of systemic failure to investigate by plaintiffs in IAD 13-1062 (Exhibit 1) meets the OPD MOR
16 policy requirements to be classified as "Class I" offenses. Class 1 violations are the most serious and
17 require (according to OPD Standard Operating Procedure) that OPD IAD investigators report all
18 known class 1 MOR violations and tape record interviews and statements of accused officers (as
19 identified in a complaint) and shall be transcribed those into writing if requested by complainants.
20 Defendant OPD IAD Oliver Cunningham failed policy and violated plaintiffs' Saleem Bey and John
21 Bey's 42 U.S.C. 1983 civil rights of equal treatment by not providing plaintiffs with transcripts of
22 interviews had been conducted of named current employees in complaint 13-1062. OPD Cunningham
23 also broke policy by failing to investigate Plaintiffs' complaint against OPD officers named in
24 Plaintiff complaint IAD 13-1062.

1 Named defendants followed defendant OPD unwritten policy of deliberate indifference
2 toward plaintiffs John Bey and Saleem Bey by administering its internal investigation procedures in a
3 manner motivated by intentional discrimination against Black Muslims which plaintiffs Saleem Bey
4 and John Bey are known to be

5
6 The moving force behind said defendant's deliberate indifference discrimination against
7 plaintiffs' protected class is, defendant OPD currently has a systemic culturalized policy of professed
8 hatred and approved "different" service of Black Muslims and Your Black Muslim Bakery, both of
9 which plaintiffs are known by defendant to be leaders of. For over twenty years plaintiffs have been
10 direct repeating targets and recipients of said defendant's irrational hatred.

11
12 Defendant City of Oakland provided similarly situated non Black Muslim "Occupy"
13 complainants superior service to plaintiffs by completing "Occupy" related investigations according
14 to policy. In comparison, said defendant with deliberate indifference failed to complete Black Muslim
15 plaintiffs IAD13-1062 according to policy or at all to date.

16
17 Defendant OPD IAD provided transcripts of interviews to Thomas Frazier related to non
18 Black Muslim "Occupy" investigations and OPD IAD provided transcripts of interviews after
19 investigating IAD07-0553 to non Black Muslim officer Grant, yet failed and refused to provide any
20 documentation of transcripts to plaintiffs associated with plaintiffs complaints IAD07-0538 and
21 IAD13-1062 as provided to non Black Muslim initiated complaints by defendant employee Grant and
22 IAD non Black Muslim "Occupy" complaints based upon Plaintiffs status as Black Muslims and as a
23 class of [two].

24
25 This constitutes a violation of Plaintiffs right to equal protection and right to equal treatment.
26 Plaintiffs have suffered Mentally, Physically, and Financially as a result.

1 **Count 9:** Section 42 U.S.C. § 1986 claim by Plaintiffs Ali Saleem Bey and John Muhammad
 2 Bey against the City of Oakland and Robert Warshaw.

3 On or about March 2012 plaintiffs Ali Saleem Bey and John Muhammad Bey notified Robert
 4 Warshaw and PPS LLC via certified mail of a pattern and practice of civil rights violations
 5 committed by defendant OPD employees against plaintiffs. Plaintiffs repeatedly between 2012 and
 6 present via email, in person, written letter, and phone alerted defendant Warshaw and PPS LLC of
 7 said defendants policy of violating plaintiffs 42 U.S.C. 1983 and 1985 civil rights. In defendant
 8 Warshaws federally appointed and defendant City of Oakland contractual compensated position as
 9 first Monitor an then compliance director had the power and authority to have prevented the
 10 detrimental policy of deliberate indifference applied to plaintiffs Saleem Bey and John Bey and
 11 concealment of evidence beneficial to said plaintiffs by successive defendant OPD chain of command
 12 under his authority.
 13
 14

15 Robert Warshaw was aware that each of the violations complained of in IAD07-0538 2007
 16 and IAD13-1062 2014 were and had been committed by current defendant City of Oakland
 17 employees Sean Whent, David Downing, Ersie Joyner, and Derwin Longmire, said defendant
 18 Warshaw had the ability as Federally appointed monitor and has the fiduciary contractual based
 19 responsibility as current compliance director responsible for supervision of defendant OPD, to
 20 prevent said violations from continuing against plaintiffs. In violation of 42 USC 1986 Warshaw
 21 failed to take action to prevent said violations from continuing against plaintiffs John Bey and Saleem
 22 Bey.
 23
 24

25 Every person who, having knowledge that any of the wrongs conspired to be done, and
 26 mentioned in section 1985 of this title, are about to be committed, and having power to prevent
 27 or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful
 28 act be committed, shall be liable to the party injured, or his legal representatives, for all

1 damages caused by such wrongful act, which such person by reasonable diligence could have
2 prevented; and such damages may be recovered in an action on the case; and any number of
3 persons guilty of such wrongful neglect or refusal may be joined as defendants in the action

4 Named defendants failed to prevent defendants from continuing in conspiracy, to pursue its
5 policy of failure to investigate in relation to plaintiffs' IAD complaint 13-1062 as mandated in OPD
6 policy and procedure. Defendant Warshaw has knowledge supplied directly by plaintiffs of current
7 defendant employees Whent, Downing, Joyner, and Logmires unresolved violations of plaintiffs' 42
8 U.S.C. §1983 and §1985 constitutionally guaranteed rights to equal treatment and protection from
9 discrimination under color of law by providing unequal treatment as compared to similarly situated
10 aggrieved non Black Muslim complainants acknowledged and addressed in defendant Warshaw's
11 required Quarterly reporting to honorable Judge Thelton Henderson of violations committed by
12 defendant OPD IAD, CID, and chain of command.

13
14
15 Defendants Warshaw and PPS LLC followed an unwritten policy of deliberate indifference
16 toward plaintiffs John Bey and Saleem Bey 2007 to present by administering its regular and internal
17 investigation procedures in a manner motivated by intentional discrimination against Black Muslims
18 which plaintiffs Saleem Bey and John Bey are known to be

19
20 The moving force behind defendant's deliberate indifference discrimination against plaintiffs'
21 religious class is, defendant's historical animus based training received as a [brother in blue with
22 OPD] against Black Muslims which plaintiffs are known to be by said defendants. Said defendant
23 actions constitutes violation of Plaintiffs civil rights to equal protection and right to equal treatment.
24 Plaintiffs have suffered Mentally, Physically, and Financially as a result;

25
26 Plaintiffs request a summary judgment on the pleadings that at minimum compels defendant
27 City of Oakland to provide equal treatment to plaintiffs Saleem Bey and John Bey of an independent
28 investigation of all crimes and complaints by Plaintiffs against defendants to date. As demonstrated

1 by plaintiff pleading defendant City of Oakland has a policy based upon irrational hatred toward
 2 plaintiffs as moving force provides as policy deliberate indifference treatment against plaintiffs as
 3 Black Muslims. D This constitutes a violation of Plaintiffs right to equal protection and right to equal
 4 treatment. Plaintiffs have suffered Mentally, Physically, and Financially as a result defendant City of
 5 Oakland has provided independent investigations to similarly situated non Black Muslims.
 6

7 DEMAND FOR RELIEF

- 8 1. A non bias independent criminal investigation of defendants and conspirators collectively
 9 connected to civil rights violations connected to IAD 07-0538, current IAD 13-1062, and the murder
 10 of Black journalist Chauncey Bailey.
 11
- 12 2. Immediate removal of the Chief of Police and Deputy Chief by Defendant City of Oakland for
 13 concealing a pattern of Racial and Religious profiling discrimination against Plaintiffs.
- 14 3. Immediate D.O.J Civil Rights Division overseen and management of said Federal
 15 Receivership for the Oakland Police Department to ensure lasting federal civil rights respect and
 16 protections of all citizens of Oakland from former and current COINTELPRO influenced and trained
 17 Law Enforcement leadership and the development of a peaceful and mutually respectful community
 18 centric police model for the benefit of all citizens of the City of Oakland California.
 19
- 20 4. An apology and admission of the COINTELPRO tactic operation and purposeful fomenting
 21 of black on black murder and violence by Defendant. Including an admission and apology for aiding
 22 Yusuf Bey 4th and resultant fabrication "created" OPERATION CRIMEWAVE and the resultant
 23 media fueled negative false public perception (defamation) of Black Muslims and Bey family
 24 members.
 25
 26
 27
 28

5. Compensation commensurate with the totality of loss and criminal activity of Defendants against Plaintiffs known now, and revealed in future investigations directly resulting in deprivation of civil rights and lasting mental, physical, emotional, character, political, and economic harm inflicted and damage and destruction done as a result of the historical pattern and practice of civil rights violating actions against racially and religiously profiled Plaintiffs by Defendants.

Demand for Jury Trial

☒ Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date:

1/20/2016

Sign Name:

Ali Salem Bey

Print Name:

Ali Salem Bey

Date:

1/20/2016

Sign Name:

John M. Bey

Print Name:

John Bey

In Pro Per

EXHIBITS

EXHIBITS

1. IAD 13 -1062 dates 03/18/2014
2. IAD07-0538 dated 09/01/07
3. Concealed Carry Weapons permit application turned down by OPD chief of police Tucker
4. 2007 CID ORG chart showing supervisor Joyner and employees Crutchfield and Longmire
5. CPRB intake form filed by plaintiffs Saleem Bey on 07/13/07 naming employees Brock and Crutchfield and chain of command demanding an independent investigation.
6. 07/09/09 internal Skelly testimony by supervisor Joyner admitting "different" treatment is defendant policy for plaintiffs as Black Muslims
7. Longmire 2011 testimony that a culture of hatred against Black Muslims and Your Black Muslim Bakery is accepted policy in defendant OPD
8. Similarly situated Grant complaint provided "findings" on supervisor Ersie Joyner
9. Similarly situated Grant complaint provided "findings" on supervisor Jeffrey Loman
10. Similarly situated Grant complaint provided "findings" on Sgt. Derwin Longmire
11. DOJ report showing failure to provide plaintiff Saleem Bey's IAD07-0538 to State investigators when requested which is evidence of unequal treatment and obstruction of justice
12. Testimony by Longmire and Joyner of a racism aimed at Black Muslims by defendant employees based upon traditional attire associated with Black Muslims.
13. Joyner testimony that he was following chain of command orders while violating plaintiffs' civil rights

Exhibit 1

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE C • OAKLAND, CALIFORNIA 94612-2010

Police Department
Internal Affairs Division

Telephone Device for the Deaf (510) 238-7629
Administrative Section (510) 238-3161
Investigation Section (510) 238-3161
Fax (510) 238-3014

March 18, 2014

Ali Saleem Bey

RE: IAD File Number: 13-1062

Dear Mr. Ali Saleem Bey:

You initiated a complaint with the Oakland Police Department (OPD). An investigation into the allegations has been completed. The allegations and investigative findings are listed below:

Performance of Duty- The complainants alleged that there was a systemic failure on the part of the Oakland Police Department during the investigation of the murder of Waajid Bey and the attempted murder of John Bey as it relates to the follow up criminal investigation. The investigation disclosed sufficient evidence to determine that the alleged conduct did occur. A finding of "Sustained" has been determined. This finding is applied to the Oakland Police Department as the individual Subject Officers and their immediate supervisor are no longer employed by the O.P.D.

The Department apologizes for any inconvenience this incident may have caused you. Should you have any questions regarding this matter, please telephone me at (510) 238-3161 on any weekday between 9:00 AM – 5:00 PM. You may also file a complaint with the Citizen's Police Review Board. Their telephone number is (510) 238-3159.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Supriano'.

Robert Supriano
Acting Lieutenant of Police
Internal Affairs Division

RS:hc

Exhibit 2

CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 • 7TH STREET • OAKLAND, CALIFORNIA 94607-3985

Police Department

Telephone Device, for the Deaf (510) 777-3333
Patrol Desk (510) 238-3455
Fax (510) 238-2251

September 1, 2007

Mr. Saleem Bey

Oakland, CA 94602

RE: IAD File Number: 07-0538

Note: IAD complaint 07-0538 was filed 7/13/2007 4 days before Bailey received story from Saleem Bey and over 2 weeks before his murder. Then it was closed 29 days after his murder and it never shows up in any investigation.

Dear Mr. Bey:

You initiated a complaint against an officer of the Oakland Police Department. An investigation into the allegation has been completed. The allegation and investigative finding are listed below:

Service Complaint: You initiated a complaint regarding an improper policy, procedure, practice, service level or legal standard of the Department. The Internal Affairs Division has documented and worked toward resolving your complaint. The circumstances will be further reviewed in order to improve our future service to the community.

The Department apologizes for any inconvenience this incident may have caused you. Should you have any questions regarding this matter, please telephone me at (510) 238-3161 on any weekday between 9:00 AM – 5:00 PM. You may also file a complaint with the Citizen's Police Review Board. Their telephone number is (510) 238-3159.

Sincerely,

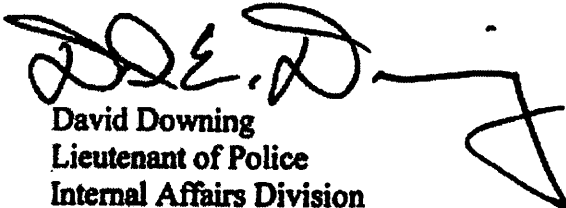

David Downing
Lieutenant of Police
Internal Affairs Division

Exhibit 3



Alameda County Sheriff's Office

LAKESIDE PLAZA, 1401 LAKESIDE DRIVE, 12th FLOOR, OAKLAND, CA 94612-1305

CHARLES C. PLUMMER, SHERIFF
MARSHAL - CORONER - PUBLIC ADMINISTRATOR
DIRECTOR OF EMERGENCY SERVICES

(510) 272-6900

March 14, 2006

Ali Saleem Bey

Oakland, CA 94602

SUBJECT: CONCEALED WEAPONS PERMIT APPLICATION DENIAL

Dear Mr. Bey:

Your application for a concealed weapon permit has been denied. After researching your request for a concealed weapon permit, it was determined that there is insufficient justification for issuance of a concealed weapon permit to you at this time.

If you have further questions you may call Internal Affairs at (510) 208-9800.

Sincerely,

Charles C. Plummer
Sheriff-Coroner

Gregory J. Ahern #705

Gregory J. Ahern, Commander
Law Enforcement Services Division

GJA: sh

Exhibit 4

2007 OPD CID Homicide Division

Lt. Ersie Joyner, III (\$130,908)- Homicide Section

COMMON SUPERVISOR

Sgt. Richard Andreotti

Sgt. Caesar Basa

Sgt. Todd Crutchfield

Sgt. Louis Cruz

Sgt. Gustavo Galindo

Sgt. Trevelyan Jones

Sgt. Shawn Knight

Sgt. Derwin Longmire

Exhibit 5

For Official Use Only

Date Stamp

City of Oakland

Citizens' Complaint Form p.2, TF-3039u (2/03)

Case No.

7/13/07

Complainant's LAST Name, First, Middle Beq Ali Saleem		<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Race: <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Other	Date of Birth [REDACTED]
Address [REDACTED] ST. 94602		City/Zip <input type="checkbox"/> Oakland	Home Phone (510) [REDACTED]	Work Phone (510) [REDACTED]

Complete this Portion if Complainant is a Minor or if Assisted by an Attorney

LAST Name, First, Middle		Relationship to Complainant	
Address		City/Zip <input type="checkbox"/> Oakland	Home Phone () Work Phone ()

Location of Occurrence Oakland	Day 27	Date 2/04	Time <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
------------------------------------------	------------------	---------------------	----------------------------------------------------------------------------

Identity of Involved Personnel

Badge No.	Name / Vehicle No., etc.	<input checked="" type="checkbox"/> Officer <input type="checkbox"/> Ranger <input type="checkbox"/> Jailor <input type="checkbox"/> Civilian	Sex	Race
	Beck		M	
	CRUTCHFIELD		M	

Brief Narrative Using Own Words. (If you need more space, use an additional sheet of paper. Any questions, call the Internal Affairs Division at 510 238-3161 or the Citizens' Police Review Board at 510 238-3159.)

There was a very involved OPD investigation into the kidnapping & murder of Wasijel Beq & the lie in wait ambush by 4 shooters of John Beq.

There family is concerned that after 37 mos of intense investigation in Wasijel's murder & 24 mos of intense investigation into John's attempted murder there has been no progress even with family members feeding leads

Were you injured? ☐ No ☐ Yes (Describe)

What would you like as a result of this complaint?

Independent review of these cases

Witness Name (LAST, First, Middle)	Address	City/Zip	Phone (Include Area Code)
John M. Beq			(510) [REDACTED]
Ali Saleem Beq			(510) [REDACTED]
[REDACTED] Beq			(510) [REDACTED]

I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.

Complainant's Signature X

Ali Saleem Beq

Date

7/13/07

For Official Use Only

Check all Categories that Apply:

- ☒ Force ☒ Conduct ☒ Untruthfulness
☒ Procedure ☒ Bias/Discrimination
 Other _____

Complaint Received by

Date Received

☒ Walk-in ☐ Mail ☐ Fax

7/13/07

Intake Officer/Personnel

J. Phillips

☐ IAD☒ CPRB

Defendant Internal Investigation

7/9/2009 Longmire Skelly response

When Lt. Joyner was asked if investigations related to the Bakery were “handled differently than other investigations?” he responded by stating, “*Everything related to the Bakery was handled differently. Everything.*” Lt. Joyner went on to explain that this was, in his opinion, due to both politics and liability issues (Joyner, DOJ interview, 90:13-25).

EXHIBIT HATE

7A

1 BY MS. JORDAN-DAVIS:

2 Q. Did you ever buy cookies from the bakery of
3 bring cookies to work and tease people and say, "Hey,
4 I got these from the bakery. Would you like some?"

5 A. Oh. Yeah. Yeah. Yeah. In fact, there's a 12:47:29
6 real good story I might as well share with you.

7 Q. Okay.

8 A. One day my partner and I, the Crutchfield,
9 who's a white male, we were out riding around after
10 lunch, and I said, "Hey, man, let's stop by the 12:47:41
11 bakery and grab some cookies."

12 So he says, "No big deal."

13 So we stopped by and got some cookies, and we
14 got back to the office and I said, "Hey, man, Tim
15 Holan, he hates the fact that these guys are in 12:47:51
16 existence." I said, "So here's what I'm going to do:
17 Let's take them out of the wrapper, we'll put 'em on
18 a napkin, you sit at your desk and just eat 'em.
19 Just start eating one and talk about how good these

20 cookies are from your mother." 12:48:05

21 So he's like, Okay,

22 I said, "Now we're going to try to bait Tim
23 into eating one of these cookies."

24 Q. Okay.

25 A. Tim is a big old country boy from Idaho. 12:48:13

126

1 Q. What is his rank?

2 A. He's a sergeant.

3 Q. The Crutchfield, you mentioned him?

4 A. The Crutchfield, yes, ma'am.

5 Q. Is it Tim or Todd? 12:49:35

6 A. Todd, two Ds.

7 Q. Two Ds. Got it. And his rank?

8 A. Sergeant.

9 Q. Is he still employed by the department?

10 A. He is. He's on leave now, but he is still 12:49:43
11 employed.

12 Q. Do you have any reason to believe that Todd
13 Crutchfield believed or thought that you had any
14 affiliation with the bakery?

15 A. None. 12:49:56

16 Q. I understand, sir, that you sometimes wear
17 bowties. Is that correct?

18 A. Yes, ma'am.

19 Q. You like the way they look?

20 A. Yes. 12:50:05

21 Q. Really?

22 A. Captain Joyner, he got it wrong, too. He
23 said I wore it because it made me seem smart.

24 Q. Okay. Why did you wear a bowtie?

25 A. Because it makes you look distinguished. 12:50:15

128

EXHIBIT Culturalized Bias

78

DEPOSITION OF DENAIA KEITH LONGMIRE - WEDNESDAY, APRIL 27, 2011

1 Q. Short cut?

2 A. Yes.

3 Q. More hair than you currently?

4 A. Yes, ma'am. Yes, ma'am.

5 Q. Okay. And I understand you went to the 12:46:30

6 bakery because you thought that they had healthier

7 food choices than other establishments, correct?

8 A. Yes. At the time I was competing in the body

9 building competition for the California Police

10 Olympics. 12:46:48

11 Q. Okay.

12 A. And the diet was quite restrictive, so you

13 had to be very careful about what went in, and

14 allegedly they had -- prepared their foods with

15 ingredients that were not detrimental to that 12:46:50

16 challenge.

17 Q. Did you ever find out if that's the truth?

18 A. No.

19 Q. Okay. But you did enjoy their baked goods

20 and other products? 12:47:10

21 A. Yes. ToFu burgers and fish burgers, and then

22 of course my big vice has always been chocolate chip

23 cookies, so --

24 MR. SCOTT: What about the pies?

25 THE WITNESS: Rarely. Very, very rarely. 12:47:21

125

1 So when we pulled the joke off it was

2 absolutely hilarious when we told him that they were

3 from the Black Muslim Bakery. I mean everybody in

4 the office just howled about it, thought it was

5 horribly funny. 12:48:29

6 So from that sense I did, yes.

7 Q. When did that occur, time frame?

8 A. Probably in 2006, maybe even early 2007.

9 Q. Before the Bailey murder?

10 A. Yes, ma'am. 12:48:45

11 Q. Did you have any information at the time that

12 Tim Nolan thought that you were somehow affiliated

13 with the bakery?

14 A. Tim never thought that.

15 Q. Okay. 12:48:55

16 A. He's one of the wacky, very, few friends that

17 I have. In fact, he was always really put out by the

18 fact that all of these so-called investigations, they

19 never ever called on him. Because you could not find

20 two men that's more diverse than Tim and I, who would 12:49:09

21 be willing to tell the truth about who I was. He's

22 always been put out by that.

23 Q. And is Tim Nolan currently employed by the

24 department?

25 A. Yes, ma'am. 12:49:25

127

Exhibit 8

Grant "findings"

As to Lieutenant Ersie Joyner

Retaliation Accountability

MOR 398.74

Sustained

This investigation disclosed a preponderance of evidence to determine that Lieutenant Ersie Joyner was in violation of OPD policy.

Supervisors – Authority and Accountability

MOR 285.00

Sustained

This investigation disclosed a preponderance of evidence to determine that Lieutenant Ersie Joyner was in violation of OPD policy.

Exhibit 9

Grant "findings"

RECOMMENDED FINDINGS

As to Deputy Chief Jeffrey Loman

Retaliation

MOR 398.73

Sustained

This investigation disclosed a preponderance of evidence to determine that Deputy Chief Jeffrey Loman was in violation of OPD policy.

Retaliation Accountability

MOR 398.74

Sustained

This investigation disclosed a preponderance of evidence to determine that Deputy Chief Jeffrey Loman was in violation of OPD policy.

Reporting Violations - Failure to Report MOR Violations MOR 314.48.1

Sustained

This investigation disclosed a preponderance of evidence to determine that Deputy Chief Jeffrey Loman was in violation of OPD policy.

Supervisors – Authority and Accountability

MOR 285.00

Sustained

This investigation disclosed a preponderance of evidence to determine that Deputy Chief Jeffrey Loman was in violation of OPD policy

Compromising Criminal Cases

MOR 370.72.1

Sustained

This investigation disclosed a preponderance of evidence to determine that Deputy Chief Jeffrey Loman was in violation of OPD policy.

GRANT Internal Affairs Investigation

LONGMIRE ALLEGATIONS

As to Sergeant Derwin Longmire

Retaliation

MOR 398.73

Sustained

This investigation disclosed a preponderance of evidence to determine that Sergeant Derwin Longmire was in violation of OPD policy.

Compromising Criminal Cases

MOR 370.72.1

Sustained

This investigation disclosed a preponderance of evidence to determine that Sergeant Derwin Longmire was in violation of OPD policy.

Insubordination

MOR 314.30

Sustained

This investigation disclosed a preponderance of evidence to determine that Sergeant Derwin Longmire was in violation of OPD policy.

Performance of Duty

MOR 314.39

Sustained

This investigation disclosed a preponderance of evidence to determine that Sergeant Derwin Longmire was in violation of OPD policy.

Membership in Organizations

MOR 383.56.2

Unfounded

This investigation disclosed a preponderance of evidence to determine that Sergeant Derwin

Obstruction of Justice

BACKGROUND INFORMATION

In April of 2008, the Internal Affairs Division of the Oakland Police Department was assigned to investigate the activities of Sergeant Derwin Longmire in regards to Chauncey Bailey murder (OPD RD # 07-059842) which may also involve the "Your Black Muslim Bakery". It was alleged that a violation of MOR 370.72-1, Compromising Criminal Cases, might have occurred.

To further investigate the above listed complaint, investigators requested and obtained crime reports, follow-up investigations, audio/video recordings, media reports, witness statements, taped recorded interviews and transcripts, relating to the Chauncey Bailey murder OPD RD # 07-059842, the San Pablo Liquor Market, Felony Vandalism OPD RD# 05-075886, New York Market, Armed Robbery & Felony Vandalism OPD RD# 05-075887, and the [REDACTED] Kidnapping OPD RD# 07-039206.

WENT DOWNING

Exhibit 12

RACIST CID POLICY

5. Joyner said Longmire started to wear bowties after he and Longmire were promoted. Several guys in the office accused him of being Muslim. Joyner said he talked to Longmire and said, "Hey, dude, stop wearing that bowtie, everybody thinks you're a Muslim." Joyner said Longmire thought they were all being racist.

EXHIBIT JTTF Complicity

13

JTTF Members NAMED BY OPD

Lt. Joyner also described his attendance at a number of “focus group meetings” concerning the YBMB. According to Joyner, prior to the Bailey murder, the focus group met about ten times, approximately once a week. After the Bailey murder, the focus group met another five to ten times. As Joyner described the focus group meetings, Assistant Chief Jordan kept a sign-in sheet for those in attendance. Fifteen people from every law enforcement branch in the Bay Area showed up for the meetings as well as Assistant District Attorney Tom Rogers. In addition, the focus group meetings were attended by Deputy Chief Jordan, Deputy Chief Israel, Capt. Loman, members of the FBI, Doug Sprague, an Assistant United States Attorney, and members of ATF. “Every bullet point, every step I made in this investigation was clearly laid out to this group, clearly approved and moved forward, and in fact, on several occasions, Assistant Chief Jordan as well as Tom Rogers were giving Derwin Longmire directives on what to do.” (Joyner, DOJ interview, 29:6-24; 239:16-240:10.)

State DOJ interview of Defendant employee Ersie Joyner. Employee clearly states that this group was directly ordering Joyner and Longmire’s actions aiding Yusuf 4th (EXHIBIT Tampering) while they compromised criminal cases through obstruction of justice. To the “Depraved” direct detriment of Plaintiffs’ safety as well as greater community and public